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(Decision No. 7940)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HOMER DALE FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE) APPLICATION NO. 3114-PP
CARRIER BY MOTOR VEHICLE FOR THE)
TRANSPORTATION OF LIVE STOCK AND)
FEED STUFFS IN WESTERN COLORADO.)

July 6, 1936.

Appearances: T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Longmont, Colorado,
for Homer Dale, applicant;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

On March 13, 1936, applicant filed his application herein, asking for a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of live stock and feed stuffs from point to point in western Colorado.

At the hearing, it developed that the application did not state in detail the service which applicant proposes to render. It appeared generally that he wants to transport any commodity from, to and between points within a ten-mile radius of Olathe, Colorado, but does not intend to operate transportation service between towns, does not intend to haul groceries, and that his service chiefly would consist of the transportation of farm products, including live stock, farm equipment and machinery, including used furniture and household goods.

After some discussion, it appeared that protestants would not object to the issuance of a permit to applicant, subject to the conditions hereinafter mentioned, for the transportation of farm products, including livestock, used furniture and household goods, farm machinery and farm equipment generally, from point to point within a radius of 10 miles of

Olathe, Colorado, and from and to points in said area to and from points in the State of Colorado, and the transportation of farm supplies including new and used household goods and furniture, farm machinery and equipment, from Olathe to points in said area (expressly excluding the transportation of merchandise and other commodities ordinarily handled by line haul carriers between towns, and between points in said area or elsewhere), it being contemplated that applicant shall not engage in a service which would be competitive with that of the Rio Grande Motor Way, Inc., or "call and demand" carriers operating in and out of Delta and Montrose.

Applicant agreed that permit, as so limited, might issue.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be amended in said particulars and that said application as amended should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Homer Dale of Olathe, Colorado, be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle, for hire, for the transportation, subject to the conditions hereinafter mentioned, of farm products, including livestock, used furniture and household goods, farm machinery and farm equipment generally, from point to point within a radius of ten miles of Olathe, Colorado, and from and to points in said area to and from points in the State of Colorado, and the transportation of farm supplies including new and used household goods and furniture, farm machinery and equipment from Olathe to points in said area (expressly excluding the transportation of merchandise and other commodities ordinarily handled by line haul carriers between towns, and between points in said area or elsewhere), it being contemplated that applicant shall not engage in ^{any other service} a service *service which will* which would be competitive with that of the Rio Grande Motor Way, Inc., or "call and demand" carriers operating in and out of Delta and Montrose.)

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

William E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 6th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF CLYDE WISDOM FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3189-PP

July 6, 1936.

Appearances: Clyde Wisdom, Wray, Colorado,

pro se;

Zene D. Bohrer, Esq., Denver, Colorado,
for the Motor Truck Common Carriers
Association, Leamon Ressler, Woods Truck
Line, Northeastern Motor Freight, North-
eastern Freight Company, H. B. Miner,
Denver-Limon-Burlington Truck Company;
Marion F. Jones, Esq., Longmont, Colorado,
for E. A. Romine, Elmo Motsinger, R. E.
Ensminger, Armond Goodman, E. F. Anderson,
Leamon Resler, Ray R. Mercure and Colorado
Trucking Association;

J. R. Arnold, Denver, Colorado, for the
Northeastern Motor Freight, Inc.

S T A T E M E N T

By the Commission:

The applicant herein seeks a Class "B" permit which, as limited by the testimony offered at the hearing and stipulation between parties, would authorize him to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products (including livestock), farm supplies (specifically including farm machinery, farm equipment, furniture, coal, cement and building materials), from point to point within the area bounded by the Yuma County Line on the north and east and extending 17 miles west and 30 miles south of Wray, and the transportation of farm products (including livestock), and farmers' machinery and equipment (including used household goods) from and to points in said area to and from points in the State of Colorado, with back haul of coal from the northern Colorado coal fields, cement from Boettcher, and tractors for the International Harvester Company from Denver to Wray.

The operating experience and responsibility generally of applicant

were established to the satisfaction of the Commission and it did not appear from the evidence that the proposed service will impair the efficiency of any authorized motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion that said application, as limited by stipulation of the parties hereto, should issue.

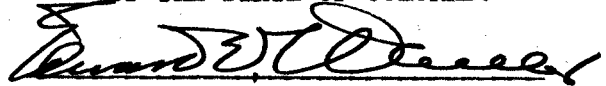


O R D E R

IT IS THEREFORE ORDERED, That Clyde Wisdom should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products (including livestock), farm supplies (specifically including farm machinery, farm equipment, furniture, coal, cement and building materials), from point to point within the area bounded by the Yuma County Line on the north and east and extending 17 miles west and 30 miles south of Wray, and the transportation of farm products (including livestock), and farmers' machinery and equipment (including used household goods) from and to points in said area to and from points in the State of Colorado, with back haul of coal from the northern Colorado coal fields, cement from Boettcher, and tractors for the International Harvester Company from Denver to Wray.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 6th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF J. L. FREEMAN FOR A CLASS "B"
PERMIT TO OPERATE AS A PRIVATE
CARRIER BY MOTOR VEHICLE FOR THE
TRANSPORTATION OF GENERAL FREIGHT
WITHIN MONTEZUMA AND LA PLATA
COUNTIES, AND OCCASIONALLY BEYOND
THESE LIMITS.

APPLICATION NO. 3212-PP

July 6, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
and Mollette and Clements, Esqs.,
Durango, Colorado, for Wood and Morgan;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
J. L. Freeman, Mancos, Colorado,
pro se;
McCloskey and Beise, Esqs., Durango, Colo-
rado, for Rio Grande Motor Way, Inc., and
The Denver and Rio Grande Western Railroad
Company (Wilson McCarthy and Henry Swan,
Trustees.)

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B private permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a private carrier for hire by motor vehicle for the transportation of mining supplies, specifically including dynamite, coal and mill parts from Durango to mine of Hesperus Mining Company located about 14 miles northeast of Mancos, and ore from said mine to railroad loading point at Hesperus; logs to the McCaleb Brothers Saw Mill from woods located about two and one-half miles from said mill which is ten miles east of Mancos; lumber from said mills to points (except Silverton) within a radius of fifty miles thereof; and coal from Mancos Hill Coal Company mine, two and one-half miles east of Mancos to points within a radius of thirty miles of said mine.

There was no objection to the issuance of said permit, as limited,

applicant having withdrawn his request to transport machinery from Durango to said mine and having agreed not to transport groceries and other commodities between points served by the line-haul carrier service of Wood and Morgan.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the permit, as limited, should issue.

O R D E R

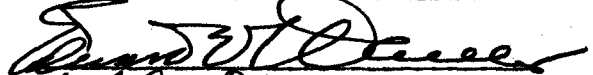
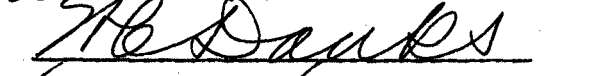

IT IS THEREFORE ORDERED, That J. L. Freeman should be, and he, hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of mining supplies, specifically including dynamite, coal and mill parts from Durango to mine of Hesperus Mining Company located about 14 miles northeast of Mancos, and ore from said mine to railroad loading point at Hesperus; logs to the McCaleb Brothers Saw Mill from woods located about two and one-half miles from said mill which is ten miles east of Mancos; lumber from said mills to points (except Silverton) within a radius of fifty miles thereof; and coal from Mancos Hill Coal Company mine, two and one-half miles east of Mancos to points within a radius of thirty miles of said mine.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

Dated at Denver, Colorado,
this 6th day of July, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DISMISSED

(Decision No. 7945)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF NATE McALLISTER FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR THE TRANS-)
PORTATION OF FREIGHT WITHIN A RADIUS)
OF FIFTY MILES OF DOLORES, COLORADO.)
-----)

APPLICATION NO. 2900-PP

July 6, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association
and La Plata Transfer; Wood and Morgan,
William Latimer and Lewis & Freeman;
Mollette & Clements, Esqs., Durango, Colo-
rado, for Wood and Morgan.

S T A T E M E N T

By the Commission:

The above styled application was regularly set for hearing at Durango, Colorado, on January 31, 1936 at 9:30 o'clock A. M., and although duly notified of said setting, applicant failed to appear.

The matter was again set for hearing at Durango, Colorado on May 27, 1936 at 2 o'clock P.M. and again applicant, although duly notified of said hearing, failed to appear.

Thereupon, it was regularly moved by protestants, all concurring, that said application be dismissed for lack of prosecution.

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

IT IS THEREFORE ORDERED, That said application should be, and the same hereby is, dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Turner

W. D. Danks

Walter E. Johnson

Commissioners

Dated at Denver, Colorado,
this 6th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
GEORGE BITTLE AND H. T. BITTLE, CO-)
PARTNERS, DOING BUSINESS AS BITTLE)
BROTHERS, FOR A CLASS "B" PERMIT TO)
OPERATE AS PRIVATE CARRIERS BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 3280-PP

July 6, 1936.

Appearances: H. T. Bittle and George Bittle, Fruita,
Colorado, pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado,
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

H. T. Bittle and George Bittle, copartners, doing business as Bittle Brothers, herein seek a Class "B" intrastate permit to operate as private carriers by motor vehicle for hire, for the transportation of farm products from farms within a radius of 50 miles of Fruita, Colorado, to railroad loading points, canning factories, dumps, etc., within said area, and fresh tomatoes from said farms to the canning factory at Delta, applicants, however, not to engage in the transportation of merchandise between points served by scheduled line haul motor vehicle common carriers.

Protestants withdrew objections to the issuance of permit as limited.

The operating experience and responsibility generally of applicants were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That H. T. Bittle and George Bittle, copartners, doing business as Bittle Brothers, should be, and they hereby are authorized to operate as Class "B" private carriers by motor vehicle for hire,

for the transportation of farm products from farms within a radius of 50 miles of Fruita, Colorado, to railroad loading points, canning factories, dumps, etc., in said area, and the transportation of fresh tomatoes from farms in said area to Delta, Colorado, said applicants not to engage in the transportation of merchandise between points served by motor vehicle common carriers operating on schedule.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicants have filed a list of their customers and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operations which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

W. C. Danks

Maureen Erickson
Commissioners.

Dated at Denver, Colorado,
this 6th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JACK LONDON FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE IN THE TRANS-)
PORTATION OF SAND, GRAVEL, ROCK AND)
ROAD SURFACING MATERIAL WITHIN A)
RADIUS OF SEVENTY-FIVE MILES OF)
DENVER, COLORADO.)

APPLICATION NO. 3292-PP

3-1557

July 6, 1936.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to transport sand, gravel, rock and other road surfacing materials, and coal from northern Colorado coal fields into Denver, as a Class "B" private carrier by motor vehicle for hire from point to point within a radius of seventy-five miles of Denver, Colorado.

Heretofore, the Motor Truck Common Carriers' Association and the Colorado Trucking Association have indicated that they have no objection to the issuance of such permits, as limited, since the proposed service will not impair the efficiency of any authorized motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That Jack London should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, rock and other road surfacing materials from point to point within a radius of seventy-five miles of Denver, Colorado, and coal from the northern Colorado coal fields to Denver.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen

W. L. Danks

Walter E. Erickson

Commissioners

Dated at Denver, Colorado,
this 6th day of July, 1936.

CONTROL #

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF OSCAR C. BELL FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR THE)
TRANSPORTATION OF SUPPLIES TO)
MAY DAY MINE AND ORE FROM MINE)
TO RAILROAD, DURANGO AND VICINITY)
TO MAY DAY MINE AND 20 MILES FROM)
DURANGO, COLORADO, ON U. S. 160.)

APPLICATION NO. 3216-PP

July 6, 1936.

Appearances: Oscar C. Bell, Durango, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
and Mollette & Clements, Esqs., Durango,
Colorado, for Wood & Morgan;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
McCloskey & Beise, Esqs., Durango, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products (including wool and livestock) and farm supplies from point to point within a radius of ten miles of Petty's ranch (his residence) located ten miles southwest of Durango, and from and to points in said area to and from points in La Plata county; ore from May Day mine located on the La Plata River about six miles from Hesperus, to railroad loading point at Hesperus; and mine supplies from Durango to said May Day mine.

The evidence disclosed that Mr. Bell, who is located on the Petty ranch, from time to time has to transport wool, sheep and other farm products for his employer from said ranch to points in La Plata county; that in order to supplement his income he has been buying and selling coal and occasionally has hauled some ore for the May Day mine. No evidence was offered by Wood and Morgan or other protestants in opposition to the granting of the application and it did not appear that the proposed limited operation in any particular

would impair the efficiency of any authorized motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Oscar C. Bell should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) Farm products, including wool and livestock, and farm supplies, from point to point within a radius of ten miles of Petty's ranch, which is located ten miles southwest of Durango, and from and to points in said area to and from points in La Plata County; (b) Ore from May Day mine, located on the La Plata River about six miles from Hesperus, to railroad loading point at Hesperus; (c) Mine supplies from Durango to said May Day mine.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank E. Danks

W. E. Danks

W. E. Danks

Commissioners.

Dated at Denver, Colorado,
this 6th day of July, 1936.

CONTROL

(Decision No. 7950)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF B. B. ANDIS, ALAMOSA, COLORADO, FOR CERTIFICATE OF CONVENIENCE AND NECESSITY TO FURNISH TRUCK SERVICE BETWEEN A FIFTY MILE RADIUS OF ALAMOSA, COLORADO, AND OTHER PARTS OF THE STATE, AND INTERSTATE, IN IRREGULAR SERVICE.

APPLICATION NO. 3243

IN THE MATTER OF THE APPLICATION OF OLIVER E. CURTIS, DOING BUSINESS AS CURTIS TRUCK SERVICE, ALAMOSA, COLORADO, FOR CERTIFICATE OF CONVENIENCE AND NECESSITY TO FURNISH TRUCK SERVICE BETWEEN A FIFTY MILE RADIUS OF ALAMOSA, COLORADO, AND OTHER PARTS OF THE STATE AND INTERSTATE, IN IRREGULAR SERVICE.

APPLICATION NO. 3244

July 6, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for applicant;
Z. D. Behrer, Esq., Denver, Colo., for Meter Truck Common Carriers Assn;
T. A. White, Esq., Denver, Colorado, for Rio Grande Meter Way;
E. B. Fans, Monte Vista, Colorado, for Pueblo-San Luis Valley Transp. Co;
E. E. Jones, Alamosa, Colorado, for W. A. Jones Transfer Company.

S T A T E M E N T

By the Commission:

The applicants herein filed their separate petitions for authority to transport farm products, including livestock, farm supplies, farm equipment and furniture, out of, into and between points within a 50-mile radius of Alamosa, Colorado, and to establish in this connection, irregular farm service, provided, however, no authority is sought to establish a town to town movement between places on the line of scheduled common carriers, except for farm produce and livestock. The applicants seek no authority to transport any commodity that is not in some way connected with a farm movement and they desire to have both intra and interstate authority.

The above numbered applications were, by agreement, consolidated for the purpose of the hearing.

At the hearing it was disclosed that Oliver E. Curtis, one of the applicants was doing business as The Curtis Truck Service; that he was in the gas and oil business; that most of his customers in the gas business and in the proposed trucking business were farmers residing in the area abovementioned, and that he proposed to render a strictly farm service.

B. B. Andis, applicant in petition No. 3243 testified that he had worked in conjunction with Oliver E. Curtis; that he had a three-ten Ree truck, as well as other property and has been conducting his operation under a C permit; that he was in receipt of many calls for service from farmers residing within a 50-mile radius of Alamosa; that some of these calls required service between farm and shipping points within the San Luis Valley, others required the movement of farm products out of the Valley and some required the movement of supplies back into the Valley, all of which service was connected with the farming industry; the applicant further stated that many of these calls required trips to New Mexico and for that reason he desired an interstate authority. The applicant stated that the authority sought was for essentially a farm service and that he sought no authority to engage in any transportation service of a competitive character between points along the line of established common carriers.

A. M. Weaver of the Trincherre Irrigation District, W. F. Newson, Will E. Pittes, E. L. Shannon and John Craig each presented signed statements to the Commission, favoring the issuance of certificates of convenience and necessity to B. B. Andis and Oliver E. Curtis, inasmuch as it would afford a means of quick and reliable transportation for the farm districts and in each of these statements the signer vouches for the reliability of each of the applicants.

Also J. A. Read, livestock and ranchman, who operates a ranch in the Valley, consisting of upwards of 11,000 acres, running some 800 head of hogs and cattle, most of which stock is moved by truck to market at Pueblo, stated that in his ranch operations, at times during the year he needed at least two good truckers to move his stock, and that his farm produce moved principally by rail.

A. M. Collins, Crestone, Colorado, who has charge of the San Luis Valley Land and Cattle Company, stated that each of these applicants were one hundred percent reliable and that their services were needed in the proper movement of farm products to markets, and supplies back. The witness stated that he shipped bulls to various points in the state, as well as to other states and was very desirous of the applicants having authority to make these deliveries. Mr. Collins stated, however, that he had never been solicited by any other authorized carriers and knew nothing about line haul facilities, which were not convenient for his use.

A. J. West, Banker and ranch operator, F. Heidl, farmer and stock rancher and Mr. Baker, stockman, all three large farm operators in the San Luis Valley testified to the reliability of the applicants and to the need of their services, particularly among the farmers and stock ranchers.

Honorable William H. Adams, former Governor of the State of Colorado, testified that in his opinion small farmers in the San Luis Valley might need more truck service. However, he, as a cattle man, moved all of his stock by driving to the railroad shipping point and thence by rail to market.

The financial standing and reliability of the applicants was established to the satisfaction of the Commission.

E. E. Jones, representing the W. A. Jones Transfer Company, holder of Permit 353, testified that their firm changed from horses to trucks in 1916, and in 1931 their transfer business kept six trucks busy. At that time they loaded on an average of 100 cars of hay besides a great deal of sheep and hogs; that gradually unauthorized truckers began to take their business until they now employ only six men and two of their trucks stand idle most of the time. Mr. Jones further stated that they did not at this time, cater to the hauling of livestock and farm products, and that in this regard there was little conflict with the pending applications of Curtis and Andis; also Mr. Jones remarked that he understood the applicants were not asking for a local drayage right in Alamosa. The witness further stated that in addition to the services of the Jones Transfer Company, Alamosa had available the Pueblo-San Luis Valley Transportation Company, E. B. Faus, John Stickler, Bassett and Company, Richard Pestel and a number of others which he thought might total to at least one hundred trucks hauling in and around Alamosa. However, he believed that two additional common carrier

certificates would be preferable to one hundred unauthorized truckers. Mr. Jones stated that the population of Alamesa was approximately 6,100, and that the San Luis Valley proper had a population of something like 40,000; that business was increasing rapidly; nevertheless he felt that the present authorized transportation facilities were ample and sufficient for all needs in and around Alamesa.

Mr. E. B. Faus of Monte Vista stated that he wished to join in the testimony given by Mr. Jones and to add that he had used as high as 25 trucks in 1925 and that now his operation was conducted with 12. However, he did not object if the applicants confined themselves strictly to a farm service and stayed out of his area.

Charles Bassett of the Bassett Transfer Company corroborated the testimony of Mr. Faus, that the present authorized carriers for the Alamesa trade area could take care of the present transportation demands.

T. A. White, representing the Rio Grande Motor Way, moved that all of the authority requested by applicants be denied except livestock and farm products.

All things considered, it would seem, from the evidence, while there may be enough authorized carriers to care for the business, that farmers in the territory in question need truck service; that whether due to cheap competition or lack of inclination to get out and fight for it, established carriers have not been furnishing that service, but have been devoting their time to other activities; that in view of the demand, and the probability that we will not establish rates for short hauls of farm products, truckers who want to specialize in farm service should be authorized to so do.

After careful consideration of the record and the evidence, the Commission is of the opinion and finds that the public convenience and necessity require the motor vehicle operations of each of the applicants, B. B. Andis and Oliver E. Curtis, doing business as the Curtis Transfer Service, as limited by the testimony given at the hearing, and that certificates of public convenience and necessity issue therefor, and the motion interposed on behalf of the Rio Grande Motor Way should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of B. B. Andis and Oliver E. Curtis, for the transportation in irregular service of farm products (including livestock) farm

supplies, farm equipment and used household goods and furniture, from, to and between farms and ranches situated within a radius of 50 miles of Alamosa, Colorado, provided however that the applicants shall not engage in the transportation of freight, except farm products, including livestock, between towns located on the line of any scheduled common carrier now serving this area, and this order shall be taken, deemed and held to be a certificate of convenience and necessity for the operation of each of the applicants.

IT IS FURTHER ORDERED, That B. B. Andis and Oliver E. Curtis be, and each of them hereby is authorized to conduct an interstate operation from points in the above described area to points on the Colorado-New Mexico and the Kansas-COLORADO State lines for the transportation of farm products, only, and the certificate number authorized for the interstate operation shall be the same as that authorized for the intrastate operation, followed by the letter "I", and shall issue subject to all of the provisions of the Federal Motor Carrier Act of 1935, if any, governing such operations.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. C. Danks

W. C. Danks
Commissioners.

Dated at Denver, Colorado,
this 6th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
RODNEY S. THOMPSON.

B-1086
JP
WSP
PERMIT NO. B-1086

July 6, 1936.

S T A T E M E N T

By the Commission:

On November 7, 1935, Rodney S. Thompson was granted a Class "B" private carrier permit No. B-1086 by order of the Commission. On March 19, 1936 in Application No. 2928 (Dec. No. 7377) he was granted a certificate of public convenience and necessity for the operation of a motor vehicle system to render substantially the same service for the general public that he was authorized to render to a limited number under his Class "B" permit as a private carrier.

Through oversight, his private permit was not cancelled. Inasmuch as it is against the rules of the Commission for applicant to render the same service under a private permit that he renders under a common carrier's certificate, the Commission, after careful consideration of the record, is of the opinion and finds that said private permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. B-1086, heretofore issued to Rodney S. Thompson, in Application 2590-PP, should be, and the same hereby is, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

10/14/41
Edward J. Dineen
W. D. Danks
W. A. Dineen
Commissioners.

Dated at Denver, Colorado,
this 6th day of July, 1936.

CONTROL

1189

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
S. G. DUNGER FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF FREIGHT OR LIVE STOCK WITHIN A)
RADIUS OF TWENTY-FIVE MILES OF KLINE,)
COLORADO, WITH OCCASIONAL TRIPS TO)
ANY POINT IN THE STATE .)

APPLICATION NO. 3234-PP

IN THE MATTER OF THE APPLICATION OF)
RAY MILLER AND EDWARD C. KENNEDY, CO-)
PARTNERS, DOING BUSINESS AS MILLER &)
KENNEDY, FOR CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
A TRUCK FOR TRANSPORTATION OF FREIGHT)
AND EXPRESS WITHIN A 50-MILE RADIUS)
OF MARVEL TOWNSITE (KLINE POST OFFICE))
LA PLATA COUNTY, COLORADO, AND TO)
OTHER POINTS IN THE STATE OF COLORADO)
IN IRREGULAR SERVICE, INCLUDING GOODS)
WARES AND MERCHANDISE BY RAY MILLER,)
DOING BUSINESS AS THE MILLER-MILLER)
MERCANTILE COMPANY AT MARVEL, TO AND)
FROM DURANGO, COLORADO.)

APPLICATION NO. 3245

July 8, 1936.

Appearances: S. G. Dunger, Kline, Colorado,
pro se;
Mollette & Clements, Esqs., Durango, Colorado,
for Miller & Kennedy;
Marion F. Jones, Esq., Longmont, Colorado, and
Mollette & Clements, Esqs., Durango, Colorado,
for Wood & Morgan;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
McCloskey & Beise, Esqs., Durango, Colorado,
for Rio Grande Motor Way, Inc., and The
Denver and Rio Grande Western Railroad
Company (Wilson McCarthy and Henry Swan,
Trustees).

S T A T E M E N T

By the Commission:

On May 4, 1936, the application of S. G. Dunger for a Class "A" private permit, which was received by the Commission on April 9, 1936, was formally filed. He asks for authority to operate as a private carrier by motor vehicle for hire for the transportation of freight, including live stock, from point to point within a radius of twenty-five miles of Kline,

Colorado, and occasional trips from and to points in said area to and from points in the State of Colorado.

On May 4, 1936, the application of Ray Miller and Edward C. Kennedy, doing business as Miller & Kennedy, for a certificate of public convenience and necessity was received by the Commission, and on April 17, 1936, was formally filed. They asked for authority to operate a truck for transportation of freight and express within a fifty-mile radius of Marvel Town Site (Kline Post Office), La Plata County, Colorado, and to other points in the State of Colorado in irregular service.

Said applications were set for hearing and heard at Durango, Colorado, on May 27, 1936.

The application of Mr. Dunger was first considered and the evidence disclosed that for many years he had operated as a common carrier by motor vehicle under certificate of public convenience and necessity No. 365, issued in Application No. 1351, which authorized the transportation of freight between Durango, Red Mesa, Marvel, and territory tributary thereto, and all points south of Hesperus.

On May 28, 1935, his certificate was canceled for failure to file insurance. On December 5, 1935, he asked to have said certificate reinstated and the records disclose that no formal action was taken upon said application. The evidence further disclosed that he has been rendering an essential service and that public convenience and necessity require his service substantially as hereinafter set forth.

The evidence offered on behalf of Ray Miller and Edward C. Kennedy, doing business as Miller & Kennedy, disclosed that Mr. Miller operates a store at Marvel and on account of lack of suitable transportation service has been hauling his merchandise from Durango under a "C" permit. A number of people have requested him to haul freight from Durango for them, and there has been some demand for transportation of coal from coal mines located at Soda Springs to points within a radius of twenty miles of Marvel; groceries and other commodities from Kline and Marvel to lumber camps in said area; grain and other farm products from points in said area to Durango; oil well equipment and supplies from point to point in said area, and from and to points

in the State; flour, furniture and livestock from Bayfield to points in said area; and furniture from point to point in said area, and from and to points in said area to and from points in the State.

Applicants stated that they did not intend to compete with line haul carriers' services and did not propose to transport freight along U. S. Highway No. 160, except such freight as might originate at or be consigned to, points within a radius of twenty miles of Marvel, Colorado.

Applicants Miller and Kennedy and all parties in interest further agreed and stipulated that the application of Mr. S. G. Dunger, Application No. 3234-PP aforesaid for a private permit might be construed and considered as an application for a common carrier certificate. It was further agreed and stipulated by all parties in interest that public convenience and necessity require both operations and that certificates might issue therefor.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the application of S. G. Dunger No. 3234 for a private permit should be, and hereby is amended so that it is an application for a common carrier certificate for the service hereinafter described, and that the public convenience and necessity require the proposed motor vehicle common carrier services of S. G. Dunger and Miller & Kennedy as hereinafter outlined, and that certificates of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of applicants, Ray Miller and Edward C. Kennedy, copartners, doing business as Miller & Kennedy, and S. G. Dunger, for the transportation, not on schedule, of general freight and livestock from point to point within a radius of twenty miles of Marvel, Colorado, and from and to points in said area to and from points in the State of Colorado, for customers residing or operating within said area only; provided that said applicants, (and each of them,) shall not transport freight from point to point on U. S. Highway No. 160 or U. S. Highway No. 550 unless said freight shall originate at or be consigned to points in said area,) and this order shall be

taken, deemed and held to be certificates of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That applicants shall operate such motor vehicle carrier systems in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. E. Danks

George E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF LEWIS FRANK WELLS FOR AN EX-
TENSION OF PERMIT A-35 WHICH AU-
THORIZES TRANSPORTATION FROM
GRANBY, OF GENERAL MERCHANDISE AND
BEER, TO OAK CREEK, PARSHALL AND
KREMMLING OVER COLO. 131 AND U. S.
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KUB
APPLICATION NO. 3228-PP-B

July 8, 1936.

Appearances: Lewis Frank Wells, Denver, Colorado,
pro se;
Stanley Larson, Steamboat Springs, Colorado,
for Larson Transportation Company;
Marion F. Jones, Esq., Longmont, Colorado,
for McLean Truck Line and Colorado Truck-
ing Association;
J. F. Shepherd, Esq., Denver, Colorado,
for Denver & Salt Lake Railway Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks an extension of the Class A permit, No. A-35, heretofore issued to him which extension, as limited by the evidence offered at the hearing, would authorize him to transport freight from Denver to Parshall and Kremmling—he heretofore, under his permit, having been authorized to transport freight from Denver to Granby.

From the testimony of Mr. Larson it appeared that said points are served by the McLean Truck Line, a common carrier service, that McLean is amply equipped to adequately care for all the transportation demands in said territory; that operating conditions, especially during some seasons of the year, are very onerous and that the institution of additional motor vehicle carrier transportation services in said territory might impair the efficiency of the McLean service.

Applicant testified that his customers, John B. Mitchell, Texaco

Agent at Parshall, and W. C. Cole at Kremmling, both of whom handle general merchandise and grain, would not patronize the McLean service because McLean is a competitor of Mitchell's in the gas and oil business and buys grain and feed and distributes in the country, in competition with their respective businesses. He also stated that he had been hauling beer for one Pete Colas at Oak Creek, but was willing to withdraw his application for service to that community in view of Mr. Larson's objection.

In view of the testimony of applicant, it does not appear that Mr. Mitchell and Mr. Cole will use the common carrier service of McLean and that a permit, limited to the service of Mitchell and Cole, without the right to increase the number of his customers, will not affect McLean's service. Should McLean be in position at this time to get the business of Mitchell and Cole, he can file application for rehearing.

Although the Motor Truck Common Carriers Association, Inc. and the Larson Transportation Company filed petition for rehearing herein, said petition thereafter was orally withdrawn by Zene D. Bohrer, their agent and representative, who apparently had been informed of the fact that Larson Transportation Company appeared in said matter and did not object to the issuance of permit, as limited.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the request for extension of private permit No. A-35 to include the transportation of freight for John B. Mitchell to Parshall and W. C. Cole to Kremmling, only, from Denver, Colorado, without the right to increase the number of customers, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-35 heretofore issued to Lewis Frank Wells for the transportation of freight as a private carrier by motor vehicle for hire between Denver and Granby, should be, and hereby is, extended to include the right to transport freight from Granby to Parshall for J. B. Mitchell only, and from Granby to Kremmling for W. C. Cole, only, without the right to add to the number of his customers to be served under said extension except after formal application to the Commission and hearing thereon.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. Danks

Walter Erickson
Commissioners

Dated at Denver, Colorado,
this 8th day of July, 1936.

CONTROL 92

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. R. ST. JOHN TO TRANSFER HIS PERMIT)
NO. A-536 TO LATIMER FUEL COMPANY.)

APPLICATION NO. 3195-PP-A

July 8, 1936.

Appearances: M. R. Latimer, 3625 Fox St., Denver, Colorado,
for applicants;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant W. R. St. John herein seeks authority to transfer private permit No. A-536 to Latimer Fuel Company, a corporation.

Mr. St. John did not appear at the hearing. Mr. Latimer stated that the company was paying \$600 for St. John's truck and coal business and that it was not willing to assume outstanding indebtedness against St. John's operations, if any there be.

A copy of the Articles of Incorporation of the Latimer Fuel Company has not been filed with the Commission and it did not appear that transferee is authorized to engage in a transportation business by motor vehicle for hire.

In view of the fact that it does not appear that there is no outstanding indebtedness against said permit or that transferee is qualified to operate under said permit, the Commission, after a careful consideration of the record, is of the opinion and finds that said application for transfer should be denied.

O R D E R

IT IS THEREFORE ORDERED, That application of W. R. St. John to transfer private permit No. A-536 should be, and the same hereby is denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danks
Walter Wilson
Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

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CONTROL 488

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES G. BUNTING FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO)
OPERATE A MOTOR TRUCK LINE BETWEEN)
CORNISH AND VICINITY AND DENVER, COLO-)
RADO.)

APPLICATION NO. 1612

July 8, 1936.

S T A T E M E N T

By the Commission:

The Commission on December 15, 1934, Decision No. 5973, suspended certificate No. 488 of James G. Bunting, with the proviso that said James G. Bunting might resume operations under said certificate at any time prior to May 1, 1935, upon full compliance with the rules and regulations of the Commission.

On July 15, 1935, Mr. Bunting informed the Commission that he wanted to resume operations as of that date, and a letter was sent him on July 26, advising "Our records disclose that your common carrier certificate is in good standing".

The records of the Commission disclose that Mr. Bunting has on file with the Commission a personal surety bond in the amount of \$1,000, dated November 5, 1932, covering public liability and property damage liability, as well as cargo.

After a careful consideration of the record, the Commission is of the opinion, and finds that in order to clarify the records, said suspended certificate No. 488 of James G. Bunting should be formally reinstated.

O R D E R

IT IS THEREFORE ORDERED, That said certificate of public convenience and necessity No. 488, issued in Application No. 1612, should be, and the same hereby is reinstated as of May 1, 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler

W. H. Danks

Wm. S. Sisson

Dated at Denver, Colorado,
this 8th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF ODES C. TAYLOR FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3336-PP

July 8, 1936.

Appearances: W. R. Hinman, Esq., 1st National Bank
Bldg., Grand Junction, Colorado,
for applicant;
Marion F. Jones, Esq., Longmont, Colo-
rado, for the Colorado Trucking Associa-
tion;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above styled application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, was filed with the Commission at Grand Junction, Colorado, on the 24th day of June, 1936, and by consent of parties appearing herein, was set for hearing forthwith, they, and each of them, waiving notice of said hearing, and further consenting that said permit should issue as requested, for the transportation of farm products from farms within a radius of 50 miles of Loma to loading stations, warehouses, factories, dumps, etc. within said radius.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That Odes C. Taylor should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle, for hire, for the transportation of farm products from farms within a radius of 50 miles of Loma to loading stations, warehouses, factories and dumps within said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and

held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dancer

W. C. Danks

Heaven E. ...

Commissioners

Dated at Denver, Colorado,
this 8th day of July, 1936.

CONTROL 84

(Decision No. 7965)

B-1573

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF W. E. DOWNEY FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3275-PP

July 8, 1936.

Appearances: W. E. Downey, Loma, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande
Western Railroad Company;
Marion F. Jones, Esq., Longmont, Colo-
rado, for the Colorado Trucking Associa-
tion.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class "B" permit to operate as an intrastate private carrier by motor vehicle for hire for the transportation of farm products from farms within a radius of 50 miles of Loma, Colorado to railroad loading points in said area; livestock from point to point in said area, and coal from mines north of Fruita to Loma, Mack and Fruita, and used furniture, machinery and equipment from farm to farm within said area.

Protestants withdrew objections to the issuance of permit as limited.

After a careful consideration of the record, the operating experience and responsibility generally of applicant being established to the satisfaction of the Commission, the Commission is of the opinion and finds that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That W. E. Downey, of Loma, Colorado, should be, and he hereby is, authorized to operate as a Class "B" intrastate private carrier by motor vehicle for hire for the transportation of farm products from

farms within a radius of 50 miles of Loma, Colorado to loading points in said area, livestock from point to point in said area, and used furniture, farm machinery and farm equipment from farm to farm in said area, and coal from mines north of Fruita to Loma, Mack and Fruita.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dukes

W. C. Danks

W. A. Eason

Commissioners

Dated at Denver, Colorado,
this 8th day of July, 1936.

CONTROL-84
B-1151

(Decision No. 7966)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LUTE VANCE FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR THE TRANSPORTATION OF)
GENERAL COMMODITIES EXCEPT LIVESTOCK)
OR GASOLINE WITHIN A RADIUS OF 50)
MILES OF LA JARA, COLORADO. (BEING)
AN EXTENSION OF PRIVATE PERMIT B-1151).)

APPLICATION NO. 2612-PP-B

July 8, 1936.

Appearances: J. E. Pound, Atty., at Law, Alamosa, Colo.,
for applicant;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
Mr. Faus, Monte Vista, Colo., for the
Pueblo-San Luis Valley Transportation Co.

S T A T E M E N T

By the Commission:

In Application No. 2612-PP an order was issued December 6, 1935,
granting Permit No. 1151, after a hearing on the application, but through a mis-
understanding at that hearing the applicant waived certain of his demands and
in the instant application seeks extension which will include some of the items
heretofore waived.

It now appears that one of the principal items for which the appli-
cant desires authority to transport is the distribution of flour and mill pro-
ducts for the La Jara Flour Mills at La Jara to Ramee, Antonite, San Luis, San-
ford and Manassa. The applicant also testified that he desired authority to
transport hardware and lumber from Monte Vista to La Jara and from Alamosa to
La Jara, but admitted that customer would not pay 20% differential for his ser-
vice, and that he would like to transport all kinds of commodities except live-
stock and gasoline within a radius of 50 miles of La Jara. At the hearing it
developed that the applicant would serve customers residing within a ten mile
radius of La Jara, Colorado, with authority to transport farm products (no live-
stock) and farm supplies from point to point within said area.

Mr. La Gue who has charge of the La Jara Flour Mills stated that in his business he could not rely upon the scheduled common carriers to make distribution of his mill products to Sanford, Romeo, Antonito, San Luis and Manassa and was very much in need of the services of the applicant which were invariably available on short notice to make this distribution.

It also appeared from the protestants, the Bodley Transfer Company, holder of Certificate No. 441, and E. B. Faus of the Pueblo-San Luis Valley Transportation Company, holder of Certificate No. 380, that so far as the movement of freight generally along the line of their respective routes, there was ample service to meet all requirements, especially in the movement of lumber and hardware from Monte Vista and Alamosa to La Jara, and that to give the applicant authority to duplicate this service would impair the service of the common carriers involved.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that there is no necessity for further service for the handling of hardware and lumber between Monte Vista and La Jara and between Alamosa and La Jara, and that to extend the applicant's authority to include such service would impair the present efficient and dependable services being rendered by the scheduled carriers serving these lines; and, also in view of the fact that applicant would be compelled to charge 20% more than scheduled carriers, which he stated his customers would not pay, it would be useless to grant him authority to make hauls in competition with scheduled line haul carriers.

The Commission further finds that there is a need for the applicant's service, particularly in connection with the distribution of flour to nearby towns for the La Jara Milling Company, and that the applicant's irregular service will be much more convenient and workable for the Milling Company than any established line service now serving between these points, and that such added authority should be granted the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision 6886, dated December 6, 1935, be, and the same is hereby amended and changed nunc pro tunc as of said date, to read as follows:

That Lute Vance, the applicant herein, be, and he hereby is, authorized to operate as a private carrier by motor vehicle for hire for the transportation of farm products (no livestock) ~~and~~ from farms within a radius of ten miles of La Jara, Colorado, to railroad shipping points, elevators and markets in the San Luis Valley and for the transportation for La Jara Flour Mills, of flour and mill products from La Jara to Sanford, Romeo, Manassa, and Antonito, Colorado, farm supplies, (specifically including farm equipment, machinery, coal, sacks, cement, plaster and other building materials) from La Jara to farms within a radius of ten miles thereof, and sand and gravel to La Jara, from points within a radius of six miles thereof.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks

W. C. Danks

Heaven S. S. S.

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

B.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

²³⁰⁰
PETITION OF M. A. STROHMEYER TO TRANS-)
FER TO H. M. GARBER, CERTIFICATE OF)
CONVENIENCE AND NECESSITY NO.)

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(72)
APPLICATION NO. 2879-A

July 8, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colo.,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

On February 21, 1936, in Application No. 2879, M. A. Strohmeier of Sterling, Colorado, was granted a certificate of public convenience and necessity for the transportation of farm products, farm supplies and farm equipment from town to farm, from farm to town and from farm to farm within that portion of Logan County lying west of a line running north and south through Prector; for the transportation of ice for the Sterling Ice and Cold Storage Company, to Holyoke, Cook and New Raymer, and the transportation of livestock from farm to farm, from farms in said area, to shipping points therein and to Denver, to sales pavilions at Sterling and from sales pavilions to points in Logan County and to Denver, provided the applicant will not engage in any transportation service of a competitive character from the area around Peetz and not engage in any town to town hauls between points in said area served by scheduled motor vehicle or railroad common carrier. Strohmeier now seeks authority to transfer all of his right in and to the certificate above referred to, to H. M. Garber of Pueblo, Colorado. It appeared from the testimony that Strohmeier had become injured, and unable to conduct his operation had agreed to sell the same to Garber for the sum of \$300.00; that the transferee agreed to assume any outstanding obligations as a result of the previous operation under this certificate, up to the sum of \$300.00; and that the transferee possessed in addition to his trucking equipment, property valued at \$10,000 and that the same was clear of encumbrance.

The financial standing and reliability of the transferee was established to the satisfaction of the Commission. After a careful consideration of the testimony and the record, the Commission is of the opinion and finds that the transferee is financially responsible and that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That M. A. Strohmeier be and he hereby is granted authority to transfer all of his right, title and interest in and to that certificate of public convenience and necessity heretofore granted to him in Application No. 2879, by Decision No. 7250, to H. M. Garber of Julesburg, Colorado.

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

IT IS FURTHER ORDERED, That this transfer shall not become effective until the transferee shall have on file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank J. O'Connell

W. C. Danks

Walter S. Simonson

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

CONTROL
25

B-1558

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JOHN JARVIES FOR A CLASS "B" PERMIT
TO OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR THE TRANSPORTATION
OF MILK WITHIN A RADIUS OF 10 MILES
OF MANASSA, COLORADO; FARM PRODUCE
IN THE ENTIRE SAN LUIS VALLEY AND
MERCHANDISE FROM PUEBLO TO THE SAN
LUIS VALLEY.

APPLICATION NO. 3240-PP

July 8, 1936.

Appearances: M. N. Marshall, Attorney at Law, Alamosa, Colo.,
for applicant;
T. A. White, Esq., Denver, Colo., for Rio
Grande Motor Way;
Zene D. Bohrer, Esq., Denver, Colo., for Motor
Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colo., for
Colorado Trucking Assn. and J. W. Barker.

S T A T E M E N T

By the Commission:

The applicant herein seeks a Class B permit with authority to transport milk within a radius of ten miles of Manassa, farm products in the entire San Luis Valley and merchandise from Pueblo to the San Luis Valley.

At the hearing it was disclosed that the applicant had been transporting milk from farmers residing within a radius of ten miles of Manassa to the Frink Creamery, located at Manassa, and that in addition to this service desired authority to transport farm products from farms within the above radius to railroad shipping points and to storage, with a back haul of such farm supplies as might be needed by his milk customers and farmers residing in the above area.

J. A. Coble who has charge of the Frink factory stated that the applicant was a good operator and had been serving fifty or sixty of their customers by transporting milk from farms to the factory and that the service of the applicant was very much needed in connection with this milk transportation.

Mr. E. B. Faus of the Pueblo-San Luis Valley Transportation Company stated that his company made daily trips to and from points in the Valley, including Manassa, and that their back haul was principally merchandise; that in con-

junction with other carriers serving this area, a complete town service was now being rendered and that any line haul authorized by the applicant would impair the service of his transportation company.

The Bodley Transfer Company, holder of Certificate 441, objected to the issuance of this application insofar as it authorized any line transportation.

The applicant has a one and one-half ton, 1936 Dodge truck with which he proposes to conduct the operation and his financial standing and reliability was established to the satisfaction of the Commission.

After careful consideration of the testimony and the record, the Commission is of the opinion and finds that there is a pronounced need for the applicant's service in connection with the cheese factory at Manassa and it further appears that the applicant's service in connection with farming activities is much more convenient than is the line haul of any common carrier and that as thus limited, the application should be granted. The Commission further finds there is ample transportation facilities from Pueblo to the San Luis Valley points, and to grant further authority would impair scheduled common carrier service.

O R D E R

IT IS THEREFORE ORDERED, That John Jarvies of Manassa, Colorado, be, and he hereby is authorized to transport milk and dairy products from point to point within a radius of ten miles of Manassa, Colorado; to transport farm products from farms within said radius to storage bins and railroad shipping points therein with a back haul from towns within said area to said farms, of such farm supplies as the farmers residing in said area may require, it being understood that the applicant will not engage in the transportation of such freight as ordinarily is handled by line haul carriers by motor vehicle between points along the line of scheduled common motor vehicle carriers serving this area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Green

W. L. Danks

Wm. E. Smith
Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

760 ✓
462
CONTROL
ED

(Decision No. 7970)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK E. HAISLETT AND LEAMON RESLER)
FOR EXTENSION OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO AUTHORIZE)
IRREGULAR TRANSPORTATION TO AND FROM)
AN AREA AROUND ECKLEY, COLORADO AND)
FOR TRANSFER OF SAID CERTIFICATE FROM)
FRANK E. HAISLETT TO LEAMON RESLER.)

462
23
JUL 11 1936
APPLICATION NO. 1502-AA

July 8, 1936.

S T A T E M E N T

By the Commission:

In the above styled matter, on April 15, 1935, in Decision No. 7499,
the Commission, inter alia, provided:

"IT IS FURTHER ORDERED, That the public convenience and neces-
sity require the motor vehicle operation of the applicant Leamon
Resler for the transportation 'not on schedule' of all commodities,
including livestock, from point to point within the area extending
20 miles north, 20 miles south, 5 miles west and 7 miles east of Yuma,
Colorado, and from and to points in the said area to and from points
in the State of Colorado."

It now appears that the part of the third paragraph of said order
above quoted should have read:

IT IS FURTHER ORDERED, That the public convenience and neces-
sity require the motor vehicle operation of the applicant Leamon
Resler for the transportation, not on schedule, of all commodities,
including livestock, from point to point and within the area extend-
ing 20 miles north, 20 miles south, 5 miles west of Yuma, and east to
a point 5 miles east of Eckley, and from and to points in said area
to and from points in the State of Colorado.

It further appears, and the Commission so finds, that said third
paragraph of said order dated April 15, 1936, Decision No. 7499, should be
amended and corrected, nunc pro tunc, as of said April 15, 1936.

O R D E R

IT IS THEREFORE ORDERED, That all that part of the third paragraph
of said order of date April 15, 1936, Decision No. 7499, beginning with the
word "It" in the first line thereof, and ending with the word "Colorado" in the

sixth line thereof, should be, and the same hereby is amended, nunc pro tunc,
as of said 15th day of April, 1936, to read as follows:

IT IS FURTHER ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant Leamon Resler for the transportation, not on schedule, of all commodities, including livestock, from point to point and within the area extending 20 miles north, 20 miles south, 5 miles west of Yuma, and east to a point 5 miles east of Eckley, and from and to points in said area to and from points in the State of Colorado.

IT IS FURTHER ORDERED, That except as herein specifically amended and corrected, said order of April 15, 1936, shall in all other respects remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deery

Wes Janks

Wm. Smith

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

B

CONTROL ¹⁰
A-223

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARNEST WESTLAKE.)

CASE NO. 1652

July 8, 1936.

Appearances: Zene D. Bohrer, Esq., Denver, Colo., for
The Motor Truck Common Carriers Assn;
R. E. Conour, Esq., Denver, Colo., for
The Public Utilities Commission.

S T A T E M E N T

By the Commission:

On June 11, 1936, the Commission entered an order requiring Earnest Westlake, the respondent herein, to show cause why his Permit No. A-223, heretofore issued to him should not be suspended or revoked for his failure to pay State Compensation tax for the months of November 1933 and November and December, 1935, for having failed and neglected to mark his vehicle as required by Rule 17 of the Rules and Regulations of the Commission, for his failure to keep on file the necessary insurance policy or surety bond as required by law, and for operating in violation of the laws by transporting freight between points where he had no authority.

The evidence disclosed that the applicant had prior to the date of hearing, provided the necessary insurance policy, that he had paid the sum of \$14.45 compensation tax and penalties as shown by the records in the office of the Commission and that he had caused his vehicle to be properly marked as required by Rule 17.

Respondent testified that he did make a trip to Evergreen, Colorado, but at the time the same was made he was not aware that it was in violation of his authority as granted under Permit No. A-223.

In view of the circumstances as disclosed by the evidence at the hearing, and it appearing that there was no intentional violation, after careful consideration of the record and the evidence, the Commission is of the opinion

and finds that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell

W. H. Danks

Walter Smith
Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILLIAM STUART TO TRANSFER)
PERMIT NO. A-787 TO J. R. MARKS)
AND RALPH STEVENSON.)

APPLICATION NO. 3162-PP-A

July 8, 1936.

S T A T E M E N T

By the Commission:

In the above entitled matter, on April 23, 1936, in Decision No. 7529, the Commission, inter alia, provided for the transfer of permit No. A-787. It now appears that on January 22, 1936, in Decision No. 7069, the Commission revoked Permit No. A-787, with the provision that said permit might be reinstated at any time within six months from the date thereof, but through oversight, Decision No. 7529 did not provide for the reinstatement of said Permit A-787, as it should have done.

After careful consideration of the record, the Commission is of the opinion and finds that Decision No. 7529, dated April 23, 1936, should be amended and corrected, nunc pro tunc, as of April 23, 1936, to include the reinstatement above referred to.

O R D E R

IT IS THEREFORE ORDERED, That an additional paragraph be inserted in the order contained in Decision No. 7529, dated April 23, 1936, and amending same by inserting the following:

IT IS THEREFORE ORDERED, That Permit No. A-787, issued to William Stuart, August 17, 1934 and suspended by order dated January 22, 1936, in Decision No. 7069, be, and the same hereby is reinstated.

IT IS FURTHER ORDERED, That except as herein specifically amended and corrected said order of April 23, 1936, shall in all other respects remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Keller
W. C. Danks
Harold S. Smith

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

CONTROL
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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114

* * *

IN THE MATTER OF THE APPLICATION OF)
PARKINSON TRANSFER AND TRANSPORTATION)
COMPANY FOR CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 2970

July 8, 1936.

S T A T E M E N T

By the Commission:

In the above entitled matter on April 3, 1936, in Decision No. 7433, "USED FURNITURE" was inadvertently omitted from the list of commodities applicants were authorized to transport.

After careful consideration of the record the Commission is of the opinion and finds that said error should be corrected as of April 3, 1936.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 7433, under date of April 3, 1936, be, and the same is hereby amended to include "USED FURNITURE" as a commodity which the applicants are authorized to transport.

IT IS FURTHER ORDERED, That except as herein specifically corrected, said order of April 3, 1936, shall in all respects remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks

W. C. Danks

William E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF D.
L. STILWILL FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY MOTOR
VEHICLE.

APPLICATION NO. 3298-PP

July 8, 1936.

Appearances: D. L. Stilwill, Denver, Colorado, pro se;
J. F. Rowan, Denver, Colorado, for The
Motor Truck Common Carriers Assn;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks a Class B permit with authority to transport sand, gravel, rock and like road construction materials to points where road projects are under construction in the State of Colorado, and for the transportation of coal from northern Colorado coal fields to Denver, Colorado.

The applicant has a two-ton International dump truck with which he proposes to conduct his operations.

Ore being eliminated from the application, there was no objection to the granting of the permit.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the applicant should be given authority to transport road construction material at any point in the State of Colorado, where projects may be under way, and that as limited by the testimony the permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That D. L. Stilwill of Denver, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, rock and like road construction material, to road projects under construction at any place in the State of Colorado and for the transportation of coal from the northern Colorado coal fields to customers at Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks

W. C. Danks

W. C. Danks
Commissioners.

Dated at Denver, Colorado
this 8th day of July, 1936.

B

890
CONTROL
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(Decision No. 7976)

CHP
7B
JK
112

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WAR-)
NER WIMP AND ARTHUR COVEY FOR CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECESSITY.)

890
APPLICATION NO. 3200

July 8, 1936.

S T A T E M E N T

By the Commission:

On May 12, 1936, in Application No. 3200, Decision No. 7696, the testimony disclosed that there was no objection to all classes of freight being transported between points in Kiowa County; however, in dictating this order, it was confined to a farm service only, and did not include all commodities as the evidence justifies.

After careful consideration of the record, the Commission is of the opinion and finds the shippers residing in Kiowa County should have the privilege of transporting all kinds of freight, as well as the farm service contained in the order, and that this correction should be made.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity granted in Decision No. 7696, under date of May 12, 1936, be, and the same hereby is, amended to include the transportation upon call and demand of all commodities, as well as those items specifically mentioned in said order.

IT IS FURTHER ORDERED, That in all other respects the order contained in Decision No. 7696, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wells

W. C. Danks

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF VICTOR WARD FOR A CLASS "B"
PERMIT TO OPERATE AS A PRIVATE
CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 2930-PP

July 8, 1936.

S T A T E M E N T

By the Commission:

The above styled matter was set for hearing in Denver, and heard on February 5, 1936 upon the application of applicant for authority to transport heavy machinery as a Class "B" private carrier, for hire, from Eldorado Springs to Denver. The application, by order of the Commission under date of February 25, 1936 (Decision No. 7258), was denied.

Applicant now asks that said application be reinstated and reopened and that he be permitted to amend said application so as to show the authority applied for to be the transportation of cement and other dam-building material from loading dock, about one mile north of Golden, to the "Ralston Creek Dam Job", a distance of four or five miles. He states that he has a contract with the contractor building the dam, for that service.

After a careful consideration of the record, the Commission is of the opinion and finds that said matter should be set for hearing, upon the application of applicant to reinstate and amend said application, and in the event that said reinstatement and amendment are allowed for hearing on the application as amended.

O R D E R

IT IS THEREFORE ORDERED, That the above styled Application No. 2930-PP, of Victor Ward, for a Class "B" permit to operate as a private carrier by motor

vehicle, for hire, should be, and the same hereby is, set for hearing, upon the application for reinstatement, the application to amend and, in the event that said reinstatement and amendment are allowed, upon the application for authority as amended, at Denver, Colorado, on July 17, 1936, at 10:00 o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

Walter L. Hirsch

Commissioners

Dated at Denver, Colorado,
this 8th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KENT HOFFMAN FOR AUTHORITY TO)
ENCUMBER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 552.)

APPLICATION NO. 1771-AAA-B
APPLICATION NO. 1957-AAA-B

July 8, 1936 .

S T A T E M E N T

By the Commission:

Heretofore Kent Hoffman filed application for authority to mortgage the certificates of public convenience and necessity issued in Applications Nos. 1771 and 1957, which were transferred to him by Decision No. 5897 of the Commission, said certificates being operated under P.U.C. No. 552. The proposed mortgage is to secure payment of the sum of \$1450.00, or less, to the Northern Colorado Dairy, which sum is being borrowed by applicant to discharge and satisfy his indebtedness of \$1100.00 to Iola Hoffman and the further sum of \$261.63 owing to Jahnke and Blassberg, Clay Snyder and W. W. Gaunt. The amount due Iola Hoffman is the balance remaining from an original indebtedness of \$2,785.00 owing to Otto H. and Iola Hoffman, for which lien was allowed by the Commission.

Heretofore said certificate was mortgaged to secure payment of the sum of \$401.00 to V. G. Garnett. The amount due Mr. Garnett has been reduced to \$234.00 as of date May 4, 1936. The Northern Colorado Dairy and Kent Hoffman have agreed that said mortgage to the Northern Colorado Dairy to secure payment of \$1450.00 shall be junior to the lien of V. G. Garnett to secure ^{the} payment of balance due him on the original indebtedness of \$401.00.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Kent Hoffman should be, and he hereby is authorized to mortgage the certificates of public convenience and necessity granted in Applications Nos. 1771 and 1957 now owned by him and operated under P. U. C. No. 552, to the Northern Colorado Dairy to secure payment of his

indebtedness, to wit; in the sum of \$1450.00 or less, said mortgage to be subject to the lien and mortgage held by V. G. Garnett against said certificates to secure payment of the sum of \$401.00.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

W. C. Danks

Wm. E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RED BIRD TRANSPORTATION COMPANY FOR
A CLASS "A" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 3219-PP

July 8, 1936.

S T A T E M E N T

By the Commission:

In the above entitled matter, Decision No. 7676 was rendered on the first day of June, 1936, and the Commission, inter alia, provided in the second paragraph of the order:

"IT IS FURTHER ORDERED, That the intrastate permit herein granted shall bear the number 'A-926', and the interstate permit heretofore granted shall bear the number 'A-926-I'."

It now appears that the above quoted paragraph should read as follows:

IT IS FURTHER ORDERED, That the intrastate permit herein granted shall bear the number "A-926".

It further appears, and the Commission finds that said second paragraph of the order dated June 1, 1936, in Decision No. 7676, should be amended and corrected, nunc pro tunc, as of June 1, 1936.

O R D E R

IT IS THEREFORE ORDERED, That all of that part of the second paragraph of said order, dated June 1, 1936, Decision No. 7676, be, and the same is hereby amended, nunc pro tunc, as of the first day of June, 1936, to read as follows:

IT IS FURTHER ORDERED, That the intrastate permit herein granted shall bear the number "A-926".

IT IS FURTHER ORDERED, That except as herein specifically amended, and corrected, said order of June 1, 1936, shall in all respects remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard J. Decker
W. L. Danks
Wm. E. Eason

Commissioners.

Dated at Denver, Colorado,
this 8th day of July, 1936.

149

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
D. L. WELLS AND JIMMIE WELLS AND
RIO GRANDE MOTOR WAY, INC. FOR
AUTHORITY TO TRANSFER CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO
RIO GRANDE MOTOR WAY, INC.

APPLICATION NO. 1362-AAA

IN THE MATTER OF THE APPLICATION OF
T. L. DARNALL AND RIO GRANDE MOTOR
WAY, INC. FOR AUTHORITY TO TRANSFER
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO RIO GRANDE MOTOR
WAY, INC.

APPLICATION NO. 1370-AA

July 8, 1936.

Appearances: T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc;
J. H. Galbreath, Esq., Pagosa Springs,
for the applicant;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Assn;
J. F. Rowan, Denver, Colorado, for The
Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

By stipulation, the above numbered applications were consolidated
for the purpose of the hearing.

In Application No. 1362-AAA, D. L. Wells and Jimmie Wells seek
authority to transfer a part of Certificate No. 367, issued by the Commission
in Application 1362, to Norman S. Payson, and later regularly transferred,
pursuant to authority of the Commission, in Application No. 1362-A, to Homer
Spencer and Charles Batchelor, and thereafter, in Application No. 1362-AA,
regularly transferred pursuant to authority of the Commission, to the appli-
cants above named, D. L. and Jimmie Wells. This authority is sought in order
to properly carry out an agreement entered into by and between D. L. and
Jimmie Wells, and the Rio Grande Motor Way, Inc., under date of January 3,

1936, wherein the transferors have agreed to sell all said certificate of public convenience and necessity No. 367, except the call and demand operation therein authorized, that is the right to transport freight not on schedule between Bayfield and surrounding territory and Durango and Ignacio station and the town of Ignacio, said reservation however, not to include the right to render a town to town service, it being contemplated that such service is to be rendered by Rio Grande Motor Way, Inc. under its transferred certificate.

In Application No. 1370-AA, the transferor, T. L. Darnall of Pagosa Springs, seeks authority to transfer all of his certificate of public convenience and necessity heretofore issued to Chester Gibson and Shelley Potter, under date of August 2, 1929, in Decision No. 2410, and thereafter in Application No. 1370-A regularly transferred, pursuant to authority of the Commission, to T. L. Darnall. It appears that the authority sought by this transferor is required in order to comply with his agreement dated January 23, 1936, whereby the transferor has agreed to sell all of his right, title and interest in and to the above certificate, to the Rio Grande Motor Way, Inc.

It also appeared from the testimony given at the hearing that each of the transferors and their predecessors have been conducting operations under the respective authorities ever since the issuance thereof and that these operations were conducted pursuant to the rules and regulations of the Commission; and that no outstanding, unpaid obligations appeared as the result of the operations conducted under either of the certificates abovementioned.

From the balance sheet dated March 31, 1936, of the Rio Grande Motor Way, Inc., which was verified by the Auditor of this Company, it is disclosed that the financial standing and reliability of the transferee meets the approval of the Commission.

After careful consideration of the record and the evidence given at the hearing, pertaining to each of the above applications, the Commission is of the opinion and finds that authority should be granted to D. L. Wells and Jimmie Wells to transfer that part of their certificate No. 367, above referred to, to the Rio Grande Motor Way, Inc; and that T. L. Darnall should be granted authority

to transfer all of his right, title and interest in and to that certificate of public convenience and necessity originally issued to Chester Gibson and regularly transferred to T. L. Darnall, as above referred to, to the Rio Grande Motor Way, Inc.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby granted to D. L. Wells and Jimmie Wells, to transfer to the Rio Grande Motor Way, the certificate of convenience and necessity No. 367, originally granted in Application No. 1362, except that part of said certificate authorizing a call and demand service, that is, the transportation of freight not on schedule between Bayfield and surrounding territory and Durango and Ignacio station and the town of Ignacio, said reservation however not to include the right to render a town to town service, it being contemplated that such line haul service is to be rendered by Rio Grande Motor Way, Inc. without competition by Wells Bros. and T. L. Darnall, be, and he hereby is, authorized to transfer to the Rio Grande Motor Way, Inc., all of his right, title and interest in and to that certificate of public convenience and necessity originally issued to Chester Gibson and Shelley Porter, under date of August 2, 1929, in Application No. 1370, and later transferred to Darnall as above set forth.

IT IS FURTHER ORDERED, That each of the rights and the authority hereinabove authorized to be transferred to the Rio Grande Motor Way, Inc., shall be exercised under Certificate No. 149.

IT IS FURTHER ORDERED, That the tariffs of rates and rules and regulations of the transferors shall become and remain those of the Rio Grande Motor Way, Inc., and shall change according to laws and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That this transfer shall not become effective until the transferee shall have on file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
W. H. [Signature]
William [Signature]

Dated at Denver, Colorado,
this 8th day of July, 1936.

CONTROL

A-834

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE EAGLE LINES, INC.; J. S. McNEAL,)
Trustee In Bankruptcy for The Eagle)
Lines, Inc.; LEE JAMES; and W. T.)
HEDRICK AND L. D. HARRIS, DOING)
BUSINESS UNDER THE NAME AND STYLE OF)
HEDRICK EXPRESS LINES, UNDER PRIVATE)
PERMIT NO. A-834.)

CASE NO. 1824

July 10, 1936.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that on September 25, 1934, private permit No. A-834 was issued to The Eagle Lines, Inc., authorizing it to engage in the business of transporting freight as a private carrier by motor vehicle over regular routes as follows:

"U. S. 85 - Denver to State line near Raton.

U. S. 50 - Pueblo to State line near Lamar."

That thereafter, on October 31, 1934, said permit was extended to authorize the transportation of freight by said respondent as a private carrier by motor vehicle in interstate commerce only, as follows:

"Between Pueblo and Colo.-N. Mex. State line and intermediate points via U. S. 85-U. S. 160 - Durango and Colo. 19 and between Pagosa Springs and Colorado-N. Mex. Line via Colo. 17."

That on or about March 9, 1936, the Eagle Lines, Inc., was adjudged a bankrupt by the District Court of the United States for the District of New Mexico, and that thereafter, on or about March 21, 1936, the respondent J. S. McNeal was duly appointed Trustee in Bankruptcy of said Eagle Lines, Inc., whereby the said J. S. McNeal, as such Trustee, may claim some interest in and to the aforesaid private permit.

That thereafter, on the 30th day of March, 1936, all of the assets of said Eagle Lines, Inc., were sold at public sale by said Trustee to respondent Lee James, including said private permit No. A-834; and that on March 31, 1936, the

said Lee James sold, assigned and transferred all of his right, title and interest in and to said private permit No. A-834 to respondents W. T. Hedrick and L. D. Harris, doing business under the firm name and style of Hedrick Express Lines, who thereupon filed their application with this Commission for authority to transfer said private permit to respondents Hedrick and Harris, whereby respondents Hedrick, Harris and James claim some interest in and to said private permit and the right to operate thereunder.

1. The records of the Commission further disclose that the public liability and property damage insurance required by law and the rules and regulations of the Commission to be carried by respondents before operating under said permit was cancelled on April 4, 1936, and that since said date, respondents have failed and neglected to file or keep on file with the Commission proper insurance or a certificate thereof as required by Rules 19 and 20 of the Rules and Regulations of the Commission governing private carriers by motor vehicle, effective May 1, 1935, and Section 16 of Chapter 120, Session Laws of Colorado, 1931, as amended.

2. The records of the Commission further disclose that respondents or some one or more of them have failed and neglected to file monthly reports as required by law and the aforesaid Rules and Regulations of the Commission governing private carriers by motor vehicle for the months of April and May, 1936.

3. The records of the Commission further disclose that since the issuance and extension of said permit, respondents or some one or more of them have, without lawful authority therefor and in violation of the law and the terms and provisions of said private permit, extended the rights and privileges granted thereunder by transporting freight between Denver and Castle Rock, Colorado Springs, Pueblo, Walsenburg, Aguilar and Trinidad, Colorado, in intrastate commerce, all of which said points are intermediate to Denver and the Colorado-New Mexico state line on U. S. Highway 85, and are not included in the authority granted by said permit.

4. That since the issuance and extension of said permit, respondents or some one or more of them have, in violation of the law and

the rules and regulations of the Commission, operated as a "motor vehicle carrier" in intrastate commerce as said term is defined by Chapter 134, Session Laws of Colorado, 1927, as amended, without first or at all having obtained from the Commission a certificate of public convenience and necessity therefor, by operating as a common carrier in interstate commerce under and by virtue of certificate No. P. U. C. 706-I between Denver and the Colorado-New Mexico State line via U. S. Highway No. 85, and with the same equipment, at the same time, and under the same trade name, purporting to operate as a private carrier in intrastate commerce as aforesaid under and by virtue of said private permit No. A-834 over the same highway and route as authorized in said certificate No. 706-I.

5. That information has come to the Commission and the same is stated as a fact that, on or about July 3, 1936, respondents or some one or more of them, authorized, allowed or permitted one Perry to operate under said permit, or attempted to transfer said permit to said Perry without first obtaining the authority of the Commission therefor, and without first having filed and kept on file proper insurance as required by law, or having obtained proper identification cards for any of the vehicles reported to have been operated by said Perry under said permit, contrary to the Rules and Regulations of the Commission in such cases made and provided.

The Commission is of the opinion, and so finds, that a complaint against respondents, and each of them, should be instituted, on its own motion, and that a hearing and investigation be entered into to determine if the respondents or any of them have failed, refused and neglected to file and keep on file a policy of insurance or a certificate thereof, or have failed to file reports as required by law and the rules and regulations of the Commission in the premises, and have violated the law and the terms and provisions of said private permit No. A-834 by serving points intermediate to Denver and the Colorado-New Mexico state line via U. S. Highway No. 85, as aforesaid, without lawful authority therefor, and have violated the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended,

by operating as a "motor vehicle carrier" as said term is defined in said law, without first or at all having obtained a certificate of public convenience and necessity authorizing respondents or some one or more of them to engage in the transportation of property as a common carrier between Denver and the Colorado-New Mexico state line via U. S. Highway No. 85, and intermediate points, in intrastate commerce as aforesaid.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint be instituted against the respondents, The Eagle Lines, Inc., J. S. McNeal, Trustee in Bankruptcy for The Eagle Lines, Inc., Lee James, and W. T. Hedrick and L. D. Harris, doing business under the name and style of Hedrick Express Lines, and that an investigation and hearing be entered into to determine if said respondents or any one or more of them have failed, refused and neglected to comply with the rules and regulations of the Commission in the particulars aforesaid, and have violated the terms and provisions of said private permit No. A-834, and the provisions of Chapter 120, Session Laws of 1931, as amended, and Chapter 134, Session Laws of Colorado, 1927, as amended, in the manner and in the particulars aforesaid.

IT IS FURTHER ORDERED, That respondents and each of them show cause, if any they have, by written statement filed with the Commission within fifteen days from this date, stating the interest of such respondent, and why the Commission should not enter an order revoking or suspending the aforesaid permit No. A-834, issued to respondent The Eagle Lines, Inc., on account of the aforesaid violations of the law and the rules and regulations of this Commission, and why it should not enter such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on the 28th day of July, 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
John D. O'Connell
William E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 10th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
J. B. TAGUE, AN INDIVIDUAL, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO OPERATE TRUCK SER-
VICE FOR THE TRANSPORTATION OF
FREIGHT INTO, OUT OF AND BETWEEN
POINTS WITHIN AN AREA AROUND LOVE-
LAND, COLORADO.

APPLICATION NO. 3071

July 11, 1936

Appearances: Ab H. Romans and Hatfield Chilson, Esqs.,
Loveland, Colorado, for the applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Assn. and Orville Hendrickson;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn. and
Harry Mattison;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein seeks a certificate of public convenience and necessity for the transportation of freight generally into, out of and between points within a radius of 12 miles of Loveland, Colorado. From the testimony given at the hearing it appears that the applicant has been in the trucking business for about 18 years, that he has been conducting his operation under Permit No. A-478, and has a 1936 Ford V-8 truck equipped with stock, grain and flat bed, and in addition to the drayage services in the town of Loveland, which are conducted by himself and by Harry Mattison, holder of certificate No. 498, the applicant has numerous calls to serve farmers in the Loveland area.

It appears that Mattison, whose authority is to serve Loveland and immediate vicinity does not cater to much of the livestock and farm produce hauls, being chiefly concerned with hauling coal and furniture, and this seems to have brought about a situation whereby the applicant does most of the heavier hauling. The applicant stated that he could not adequately serve his customers

and others desiring to become customers under his permit; that he had numerous calls from various parts of the Loveland area which he could not meet for the reason that his authority did not cover their requirements; that most of his business is off of the line of the railroad track and confined principally to farm products, farm supplies, farm machinery including household goods, and that while he had hoped to get a larger radius around Loveland, he was willing to restrict his service for all commodities except livestock to 12 miles on all sides except west, and in that direction would like to have it extend to Estes Park, that he would limit his offices to one in Loveland. He wants to haul livestock anywhere for residents of said area, and is willing to waive back haul from Denver.

It also appeared at the hearing that the applicant had many demands for his service from the Great Western Sugar Company, and others to transport seed and feed between farms and to the elevators; that no one else was soliciting this business.

Rody Howe, John Burns and Jim Naylor, all farmers living in the Loveland area, stated in substance that they used the services of the applicant and when he was unable to transport their freight on account of lack of authority they had invariably disposed of the same on the premises, sometimes at a loss; that the applicant's services were very much needed for the transportation of farm products, including livestock and farm supplies, including household goods. Mr. Lee Taft, farmer, W. L. Warnick, Auctioneer, W. S. Warner, farmer, H. F. Hermann, dairyman, F. W. Kunce, farmer, E. O. Atchison and Harry Leifmut were each present in the room at the time, ready to testify and it was stipulated that if called to the stand they would testify in substance as did J. L. Williams of the Great Western Sugar Company, Rody Howe and John Burns, to the public convenience and necessity of the proposed service of the applicant.

Mr. Orville Hendrickson, holder of Certificate No. 205, who operates a line haul between Loveland and Denver, and Harry Mattison, holder of Certificate No. 498, who were the only carriers personally opposing the application, testified that they had more equipment than they had business to perform in the Loveland area. Mr. Mattison said that his business was principally local work and that for some reason, notwithstanding his long service in the City he did

not get much business. It was true that he did not advertise and thought it might be that the rates charged had something to do with the falling off of his business. Mr. Hendrickson stated that he had four trucks and three trailers and they were not all busy. He also stated that he did not haul beets and that he had not hauled grain since 1927; also that he did not pay much attention to coal, and that it had been seven years since he hauled any livestock.

The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration of the record and the evidence given at the hearing, the Commission is of the opinion and finds that there is authorized service, particularly the line haul through Loveland, and it is likewise true that carriers have been authorized to look after the drayage and hauls in the immediate vicinity of Loveland, but from all appearances the line haul carrier seems to be satisfied with that particular line haul activity and has not been actively soliciting hauling of the sort sought by applicant. The same can be said of the local transportation firm, Mattison Truck Service, which has been there many years and seemed to feel that on account of his standing and long service the business should come to his door.

Under the circumstances the Commission finds that the public convenience and necessity require the proposed farm service motor vehicle operations of the applicant, J. B. Tague, as limited by the evidence, and that a certificate of public convenience and necessity should issue therefor.

ORDER

Amended

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of the applicant, J. B. Tague, for the transportation not on schedule and over irregular routes, of farm products, including livestock, farm supplies including seed and feed, farm machinery and used household goods, from point to point within an area extending 12 miles north, east and south of Loveland, Colorado and Estes Park on the west,

livestock and farm products in bulk from and to points in said area to and from points in the State of Colorado, provided however that the applicant will make no back hauls of freight from Denver to Loveland and shall not engage in any transportation service of a competitive character between points along the line of scheduled common carriers now operating between, from and to points in the above described area;) and this order shall be taken deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That Private Permit No. A-478 be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dineen

W. C. Danks

William E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 11th day of July, 1936.

HB 2
L. Lee

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF)
COLORADO FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO EXERCISE FRANCHISE RIGHTS)
GRANTED BY THE CITY OF STERLING,)
IN LOGAN COUNTY, COLORADO.)

APPLICATION NO. 3237

July 15, 1936

Appearances: Lee, Shaw and McCreery, Esqs., Denver,
Colorado, by Paul Lee, Esq.,
for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain franchise rights granted by the Board of Trustees of the City of Sterling, Colorado, in and by Ordinance No. 3, Series of 1936.

On May 4, 1936, there was passed by the Board of Trustees, and approved by the Mayor of the City of Sterling, said Ordinance No. 3, Series of 1936, granting to the applicant, its successors and assigns, a franchise -

"TO CONSTRUCT, ACQUIRE, MAINTAIN AND OPERATE A PLANT OR PLANTS, AND WORKS FOR THE PURCHASE, MANUFACTURE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, AND TO FURNISH, DISTRIBUTE AND SELL SAID PRODUCT TO THE SAID CITY OF STERLING AND THE INHABITANTS THEREOF FOR LIGHT, HEAT AND POWER, OR OTHER PURPOSES, BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, OVER, UNDER, ALONG ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, PUBLIC WAYS AND PLACES IN THE CITY OF STERLING AND FIXING THE TERMS AND CONDITIONS THEREOF."

The term of said franchise is for a period of ten years from and after its passage, approval and publication, and acceptance and approval by the applicant. Said applicant duly accepted and approved said franchise formally on May 26, 1936.

The evidence disclosed that applicant is a corporation, duly

organized and existing under and by virtue of the laws of the State of Colorado and doing business as a public utility; that its principal office and place of business is in the City and County of Denver in said State. Generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electrical energy and in transporting such energy by means of transmission and distribution lines for heat, light, power and other purposes, directly to consumers or wholesalers.

It was further disclosed that no other utility is now serving the City of Sterling, which has a population of approximately 7200 persons, and which heretofore has been supplied with electricity for illuminating, heating, power and other purposes, by the generating plants and distribution system of applicant.

No objection to the application has been filed or made, and it appears that the public convenience and necessity require the proposed operation of applicant.

The evidence further disclosed that the actual investment in the said distribution system is approximately \$160,000.00. However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein, will not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceedings where valuation may be an issue.

After a careful consideration of the evidence and the record, the Commission is of the opinion and finds that the public convenience and necessity require the exercise by the applicant of the franchise rights granted to it by the City of Sterling, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the City of Sterling, Colorado, in Ordinance No. 3, Series of 1936, and this order shall be deemed and held to be a certificate

of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its practices as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That the failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dwyer

W. D. Dwyer

W. D. Dwyer

Commissioners.

Dated at Denver, Colorado,
this 15th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELTON DEINES.)

PRIVATE PERMIT NO. B-1453

July 13, 1936.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elton Deines, of Boulder, Colorado, requesting that his Private Permit No. B-1453 be cancelled for the reason that he has sold his trucks and is no longer operating.

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

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. B-1453, heretofore issued to Elton Deines, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elton Deines

W. C. Danks

W. C. Danks

Commissioners

Dated at Denver, Colorado,
this 13th day of July, 1936.

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(Decision No. 7987)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
)
OF J. V. GRIFFIN.)

PRIVATE PERMIT NO. B-1362

July 13, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. V. Griffin, of Denver, Colorado, requesting that his Private Permit No. B-1362 be suspended for a period of six months with the proviso that same may be reinstated at any time should he again require a private permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. B-1362, heretofore issued to J. V. Griffin, of Denver, Colorado, be, and the same is hereby, suspended for a period of six months from July 1, 1936; provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Connell
W. C. Danks
William Sullivan
Commissioners

Dated at Denver, Colorado,
this 13th day of July, 1936.

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(Decision No. 7988)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF FOREST WOODARD FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1016-B

July 13, 1936.

Appearances: W. S. Howard, Esq., Denver, Colorado,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for the Motor Truck Common Carriers
Association, and for Verne S. Perrine,
of Monument, Colorado, for Dennis A.
Burroughs, and for Homer Jessup;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association,
Oren A. Hartsel of Simla, Colorado,
and for other truckers serving the area.

S T A T E M E N T

By the Commission:

On May 30, the applicant herein filed a petition for an extension
of his certificate No. 459.

The record discloses that on March 11, 1930, in Decision No. 2780,
the applicant was given authority to transport freight generally from point
to point within a radius of twenty-five miles of Kiowa, and livestock from
point to point within this area and to Denver, with back haul of miscel-
laneous farm supplies from Denver to farmers living within the abovementioned
area. In said order the applicant was limited to the use of one truck only.

As limited by the testimony given at the hearing and by stipulation
between the applicant and protestants represented at the hearing, the appli-
cant now seeks to extend his operations to include an in and out service be-
tween points in the State of Colorado, including Denver; the transportation of
household goods in connection with the moving of any farmer residing within
the above described area or destined to some point within this area and for

the transportation of horses between Kiowa, Lincoln and Crowley Counties and Denver, for customers residing within a twenty-five mile radius of Kiowa, Colorado, provided however that the applicant is not to engage in the transportation of dead freight in competition with scheduled common carriers now serving the Kiowa area, and it was understood that the applicant was not to engage in any milk hauls, but was to have authority to put on as many trucks as the business might require and retains all authority set forth in Decision No. 2780, heretofore granted to him.

The financial standing and reliability of the applicant was established to the satisfaction of the Commission; also it was stipulated that Roy Foster of Elizabeth, Roy Brown of Elbert, Elmer Morning of Kiowa and Bob Pemberton of Kiowa, all of whom were present at the hearing, would, if called to the stand, testify to the public convenience and necessity of the proposed extension of the applicant.

As limited, all objections to the granting of the certificate were withdrawn by those represented at the hearing.

After careful consideration of the record, the testimony and the stipulation entered into by the applicant and those represented at the hearing, the Commission is of the opinion and finds that the public convenience and necessity require the extended operations of the applicant as limited by the testimony and stipulations and that a certificate of authority should be granted.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of the applicant, Forest Woodard, which as extended shall authorize the (transportation of freight, excluding milk or dairy products and furniture and household goods (except household goods and furniture transported in connection with the moving of farmers), into, out of and between points within a radius of twenty-five miles of Kiowa, Colorado, and for the transportation of horses in less than carload lots between ranches in

Kiowa, Lincoln and Crowley Counties, and Denver, for customers residing within a radius of twenty-five miles of Kiowa, Colorado; provided however that the applicant under this, his extended authority shall not engage in the transportation of dead freight between points along the line of scheduled common carriers now serving the above described Kiowa area. The applicant is authorized to put on as many trucks as he may desire in the conduct of this operation and the authority hereby given is in addition to the authority granted in Decision No. 2780,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward H. Danks

McDanks

Marion Emerson

Commissioners

Dated at Denver, Colorado,
this 13th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF LOUIE A. THEOBOLD, EDWARD THEOBOLED)
AND FRED THEOBOLD, DOING BUSINESS AS)
THEOBOLD TRUCK LINE, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 3152

July 13, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Colman Truck Line.

S T A T E M E N T

By the Commission:

Louie A. Theobold, Edward Theobold and Fred Theobold, co partners,
doing business as Theobold Truck Line, herein seek a certificate of public convenience and necessity which, as limited by the testimony offered at the hearing, and stipulations of parties, would authorize them to operate a motor vehicle freight transportation service for the transportation (a), on call and demand, of farm products (including live stock) and farm supplies (specifically including farm machinery and equipment, feed, used furniture and household goods) and petroleum products, between, from and to points within a radius of 50 miles of Norwood, Colorado; (b) general freight on schedule from and to Grand Junction and Montrose to and from points west of (but not including) Ridgway as far as Paradox and Telluride by way of Placerville, with the right to serve locally all points between Ridgway and Paradox and between Ridgway and Telluride by way of Placerville.

The matter was set for hearing and heard at Grand Junction, Colorado, on April 16, 1936, Rio Grande Motor Way, Inc., The Motor Truck Common Carriers Association and Colman Truck Line filing formal protests and appearing in opposition to the granting of said certificate.

The evidence disclosed that Gio Oberto a number of years ago had been granted a certificate of public convenience and necessity, P.U.C. 214, for a

line haul service between Montrose and Norwood; that he never conducted an operation under the certificate, but apparently had leased it in 1934 to one Harold C. Greagor for a rental of \$15.00 per month, and that said Greagor more or less regularly had carried on the operation since that time; that Oberto through Greagor handles the mail out of Placerville, has never handled freight out of Montrose, but may transport some express and freight out of Placerville occasionally. He supposedly has interchanged freight at Ridgway with the Rio Grande Motor Way, Inc., but numerous witnesses for the applicant and Mr. Victor De Marshman for the Rio Grande Motor Way, Inc., testified that such service had been more fancied than real.

Applicants have been operating freight service under private permit No. A-261 between Grand Junction and Paradox, a distance of 189 miles. In the operation of this line, they have picked up some freight at Montrose, Delta and other towns besides Grand Junction north of Ridgway destined to Norwood and other points in the territory they seek to serve, and have interchanged freight with most truck lines operating to points in their territory. They also have a "C" permit, their load under both classes of permits averaging about 10,000 pounds per trip.

A substantial number of witnesses, being merchants and residents of the various towns to be served by the proposed operation, testified in behalf of applicant. Mr. E. B. Orme, county agent at Norwood, stated that a through service from Grand Junction to Norwood was essential; that the loss of time and the expense occasioned by delay in handling and by transfer of live stock, was very great. Mr. T. H. Edgil, of Norwood, commented on the lack of service from the Oberto operation and his failure to receive oil cake, feed and other supplies for his live stock, and that he and other men similarly situated needed a "good service". Mrs. Columbo, postmistress and storekeeper, stated that Greagor, although making Placerville regularly, failed to deliver groceries and other freight to her from Placerville (as well as from Montrose), and that the transfer service was "no good", shipments being lost, misplaced, delayed and damaged; that on one occasion she had a letter from Rio Grande Motor Way, stating that her freight was in their possession but Greagor would not take it out, although he had been repeatedly notified

that it was there. Mr. Cuthbert of Naturita, testified that after more than a week's delay on one shipment, he located it and sent Mr. Theobold after it. He also stated that liquor shipments when handled by Theobold were handled satisfactorily, and that shipments received over Oberto's service, after transfer, were damaged, broken and the seals destroyed, to his serious inconvenience and loss. Mr. John A. Gilligan of Nucla, testified that perishables had been left at Montrose and when received were spoiled; that the through service for the handling of perishables was essential. Similar testimony was given by Mr. Lewis R. Lachen, of Naturita, and H. R. Tam and W. A. Murray of Norwood. Mr. Murray, manager of the Mutual Creamery Company, also testified that a through service on cream shipments from Norwood to Grand Junction was essential; that they had tried the transfer service via Oberto's line and Rio Grande Motor Way, Inc., and found it to be unsatisfactory. All witnesses agreed that the Theobolds were satisfactory, dependable and competent operators, and urged that the certificate be granted.

Applicants stated that in the event a certificate of public convenience and necessity were granted herein, their private permit No. A-261 might be cancelled, although this permit authorizes service of points intermediate Grand Junction to Ridgway in addition to the other service sought herein.

Mr. V. De Merishman, for protestants, testified that Rio Grande Motor Way operated daily service Grand Junction to Montrose and return; that it maintained a dock at Montrose and had no objection to the granting of a certificate to the Theobolds for service to and from Montrose from and to points south of Ridgway, and would exchange freight and establish through rates with them; that it had attempted to establish such service with Oberto, but he had been unreliable and not dependable; that it objected to the through service proposed out of Grand Junction.

Generally speaking, the Commission wherever possible favors the granting of a certificate to that carrier which proposes a connecting service rather than a through service, where such connecting service will benefit and foster already established common carrier motor vehicle service. However, in the instant case, the people of the territory sought to be served

by Theobolds' line, for a long period of time, were dependent upon the Oberto service, which was supposed to connect with existing carrier service, including that of Rio Grande Motor Way, Inc. Their experience with such service has been very unsatisfactory. The representative of the Motor Way concedes that. Theobolds for some time, under Permit A-261, have been serving the public apparently to their entire satisfaction. They have established a through service which the public likes, and it would be difficult to persuade the shippers and receivers of freight to abandon that service and patronize a combination service, even if Theobolds were willing to accept a certificate providing for that service, which did not appear from the testimony.

In the Moore case recently decided by the Commission, we required Moore to establish a service between Denver and Gunnison, connecting at Gunnison with the Rio Grande Motor Way, Inc. service, but we expressly reserved the right to reconsider the matter and authorize a through service should the combination service prove unsatisfactory. In this instance, the combination service has been tried and as a matter of fact still is an authorized service. We do not think that the residents of the western part of Montrose County and San Miguel County should be asked to try another connecting service, especially where the applicant has not indicated his willingness to undertake such service and might not start the operation with the idea of demonstrating its efficiency and making it popular.

After a careful consideration of the record, the Commission is of the opinion and finds that the public convenience and necessity require the proposed operation of applicants as hereinafter ordered, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of Louie A. Theobold, Edward Theobold and Fred Theobold, copartners, doing business as Theobold Truck Line, for the transportation (a), on call and demand, of farm products (including

live stock), and farm supplies (specifically including farm machinery and equipment, feed, used furniture and household goods), mill and mine supplies, ore and petroleum products, between, from and to points within a radius of 50 miles of Norwood, Colorado, (excluding service between points served by Rio Grande Motor Way, Inc.); (b) general freight, on schedule, via U. S. Highway No. 50 and State Highways numbered 62, 108, 145, 90 (or Colo. 141 instead of U.S. 50), from and to Grand Junction and Montrose to and from points west of (but not including) Ridgway as far as Paradox and Telluride by way of Placerville, with the right to serve locally points between Ridgway and Paradox and between Ridgway and Telluride by way of Placerville, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except then prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That Private Permit No. A-261, heretofore issued to said applicants, should be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks

W. C. Danks

Wesley C. Danks

Commissioners.

Dated at Denver, Colorado,
this 13th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JULIAN PAYNE FOR A CERTIFICATE) APPLICATION NO. 2904
OF PUBLIC CONVENIENCE AND NECESSITY.)

July 13, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Russell and McKelvey, Esqs., Durango, Colorado,
for Malles Transfer.

S T A T E M E N T

By the Commission:

Applicant Julian Payne herein seeks a certificate of public convenience and necessity which, as limited by the testimony offered at the hearing, would authorize him to transport farm products, including live stock, from point to point within a radius of 15 miles of Ignacio, Colorado, farm products in bulk from farms within said radius to Durango, Pagosa Springs, Alamosa, and occasionally to Denver and Pueblo; farm supplies from Ignacio to farms in said area; farm machinery and equipment, including household goods, from farm to farm in said area; with back haul of salt or mixed feeds from Denver. He does not propose to engage in the transportation of merchandise under this certificate between points served by scheduled motor vehicle carriers.

The evidence disclosed that he proposes to use the same equipment which he contemplates using under the A. C. Thompson operation, which has been transferred to him, subject to the approval of the Commission, being a 1934 Ford truck of the value of \$375 and a 1934 Reo truck of the value of \$600.

The evidence also disclosed that he owns garage property and a garage business at Ignacio of the value of \$1,000, which is subject to a \$500 mortgage.

The evidence did not disclose that the public convenience and necessity required the transportation of farm products from farms in said area to Pagosa Springs, Alamosa or Pueblo, and did not establish need for back haul of salt or mixed feeds from Denver to Ignacio or farms in the

aforescribed area.

There was some evidence showing that public convenience and necessity required the other operations proposed.

There was no objection to the issuance of certificate for the operation as limited by anyone.

After a careful consideration of the record, the Commission is of the opinion, and finds that the public convenience and necessity require the motor vehicle common carrier service of applicant as hereinafter limited for the transportation of farm products (including live stock) and farm supplies from, to and between points within the area and subject to the conditions hereinafter described, and that a certificate of public convenience and necessity therefor should be granted to said applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of the applicant, Julian Payne, for the (transportation, not on schedule, of farm products (including live stock) from point to point within a radius of 15 miles of Ignacio, Colorado, and farm products in bulk (including live stock) from farms in said area to Durango and Denver, and the transportation of farm supplies, machinery and equipment from Ignacio to farms in said area, and farm machinery and equipment, including furniture, from farm to farm in said area,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor; (provided that said applicant under this certificate shall not engage in the transportation of such commodities as are ordinarily handled by line haul motor vehicle common carriers between towns served by such carriers.)

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except then prevented from so doing by the Act of God, the public enemy

or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dineen

W. C. Danks

Wm. E. Eason

Commissioners.

Dated at Denver, Colorado,
this 13th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF JIM'S TRUCK LINE FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE TRUCK SERVICE) APPLICATION NO. 2202
BETWEEN ALL POINTS IN THE STATE OF)
COLORADO IN IRREGULAR SERVICE.)

July 13, 1936

S T A T E M E N T

By the Commission:

On December 21, 1935, in the above styled matter, the Commission entered its order, Decision No. 6937, granting a certificate of public convenience and necessity to C. C. Cox, doing business as Jim's Truck Line.

Application for modification of said order was filed in apt time by applicant, reciting that under the evidence produced at the hearing, authority should have been granted to Jim's Truck Line to transport heavy machinery, contractors' supplies and similar commodities, between all points in the State of Colorado, subject, however, to the provisions contained in paragraph numbered (e) of said order; and further, in effect, that all that part of the first paragraph of said order reading,

"excluding, however, the right to transport live stock in competition with service already authorized to be performed under certificates of public convenience and necessity by Dennis A. Burroughs, Homer M. Jessup, Oren Aaron Hartsel, William A. Crumb and Verne S. Perrine;"

should be stricken for the reason that the said Burroughs, Jessup and Hartsel, through their agent, J. F. Rowan, had waived objection to the issuance of certificate as applied for under the amended application, which waiver must have been overlooked by the Commission in rendering its decision; that Verne S. Perrine serves only a limited territory, and that in view of the extended authority of William A. Crumb in El Paso County, a denial to applicant of the right to conduct service in competition with that of Crumb, amounts to denial

of the right to serve at all in El Paso County.

Since the filing of said application for rehearing, Crumb's certificate has been transferred to J. R. Marks and Ralph Stevenson, who have filed waiver of objection to issuance of certificate to Jim's Truck Line for the service requested by said line.

After a careful consideration of the record, the Commission is of the opinion, and finds that modification of certificate to allow the transportation of "heavy machinery, road building materials and supplies and equipment, oil well and mining equipment and supplies, and all other types of heavy machinery equipment and supplies" from point to point in the State of Colorado in occasional service upon call and demand, should be authorized, and that the restriction placed upon the transportation of live stock should include only non-competition with the service of Verne S. Perrine, and that said order should be amended and modified, nunc pro tunc, as of December 21, 1935, in accordance with the foregoing findings.

O R D E R

IT IS THEREFORE ORDERED, That first paragraph of said order of December 21, 1935, Decision No. 6937, be, and the same hereby is amended and modified, nunc pro tunc, as of said December 21, 1935, to read as follows:

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operation of applicant, C. C. Cox, doing business as Jim's Truck Line, for the transportation of heavy machinery, road building materials, supplies and equipment, oil well and mining equipment and supplies, and all other types of heavy machinery, equipment and supplies, upon call and demand and not over fixed routes, to and from all points within the State of Colorado, and the transportation of live stock, farm products, farm machinery and farm supplies, furniture and household goods, from point to point within the area described as:

"Beginning at Ellicott, thence east to a point fifty miles east of Colorado Springs, thence south thirty-five miles, thence west one hundred miles, thence north to a point due west of Larkspur, thence east to Cherry Creek, thence south

to a point three miles south of Falcon, thence east to a point three miles due north of Ellicott, thence south to Ellicott;"

and from and to points in said area to and from all points within the State of Colorado, excluding, however, the right to transport live stock in competition with the service already authorized to be performed under a certificate of public convenience and necessity by Verne S. Perrine, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor, subject, however, to the following conditions:

IT IS FURTHER ORDERED, That said order of December 21, 1935, except as to the modifications of said first paragraph, in all other respects shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Wheeler

W. D. Danks

William L. Smith

Commissioners

Dated at Denver, Colorado,
this 13th day of July, 1936.

(Decision No. 7993)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
Ray Peale, Trinidad, Colorado.CASE NO. 1826

July 13, 1936

S T A T E M E N TBy the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law.

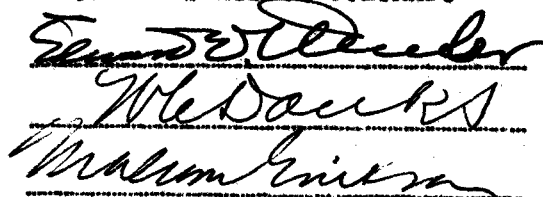
The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

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

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 380 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on July 28, 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF A GENERAL INVESTI-)
GATION OF THE FREIGHT RATES, AND)
CLASSIFICATION OF FREIGHT, OF ALL) CASE NO. 1585
COMMON AND PRIVATE MOTOR VEHICLE) (Sub. No. 12)
CARRIERS.)

July 8, 1936.

SUPPLEMENTAL ORDER

Appearances: R. E. Jones, Traffic Manager, for
Complainant H. J. Heinz Company;
W. J. Lyons, Pueblo, Colorado, for the
Pueblo Manufacturers and Distributors
Association and The Pueblo Chamber of
Commerce;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
J. A. Gallaher, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company, Wilson McCarthy and
Henry Swan, Trustees;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Associa-
tion, the Northeastern Motor Freight, Inc.,
The Weicker Transportation Company, and
The Union Delivery Company;
Richard E. Conour, Esq., and T. S. Wood,
Rate Expert, for The Public Utilities
Commission;
Harry S. Dickinson, Denver, Colorado, for
The Denver Chamber of Commerce.

S T A T E M E N T

By the Commission:

On February 5, 1936, the Commission made and entered its order, Decision No. 7118, in the above entitled proceeding, prescribing rates, charges and classifications of freight to be charged and collected, on and after April 1, 1936, by all motor vehicle common carriers operating in intrastate commerce and all private carriers by motor vehicle competing with any such common carrier or carriers by motor vehicle, and included in such order were commodity rates for the transportation of farm products specifically enumerated as Alfalfa, baled; Barley; Beans, dry; Beets, sugar; Corn; Hay, baled; Oats;

Onions, without tops; Potatoes; Rye; Sorghums, all; and Wheat. No provision was made for green vegetables and other farm products not enumerated, all such commodities taking the class rates prescribed in Appendix C of our Decision No. 7118. On May 21, and June 26, 1936, further orders were entered treating other subjects included in the original order.

On May 27, 1936, the H. J. Heinz Company, a large packer of pickles at La Salle and Sterling, Colorado, filed its complaint against the rates prescribed in Appendix H of said order and decision for the transportation of the above described farm products, based upon the failure of the Commission to include fresh cucumbers in the list of items taking the commodity rate as farm products. The complaint was served upon all interested motor vehicle and rail carriers, and commercial associations, and answers have been filed by all parties whose appearances are enumerated above consenting that the prayer of said complaint be granted, and that Appendix H of our order and Decision No. 7118 be amended to include fresh cucumbers in open top crates in the items taking the farm products rate prescribed in said Appendix H. No other interested parties answered the complaint, although due and sufficient notice has been given. No objection was entered to making provision for the free return of the empty wood crates in which the fresh cucumbers are shipped from the receiving stations to the manufacturing plants.

It appearing that all interested parties have consented that the aforesaid complaint of H. J. Heinz Company be granted, and that fresh cucumbers are properly farm products which should take the commodity rate prescribed in Appendix H of our Decision No. 7118, the Commission is of the opinion, and so finds, that the prayer of said complaint should be granted and that Appendix H of Decision No. 7118 should be amended to include fresh cucumbers in the list of items classed as farm products therein when transported in open top crates, with provision made for the free return of the empty crates.

O R D E R

It appearing that on February 5, 1936, May 21, 1936, and June 26, 1936, the Commission made and filed in this proceeding statements of its findings

of fact and conclusions upon the record herein and entered orders thereon, and that now, upon further consideration of the record herein and the complaint of H. J. Heinz Company and the answers thereto filed in this proceeding, the Commission has, on the date hereof, made and filed a statement of further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, May 21, 1936 and June 26, 1936, are hereby referred to and made a part hereof:

THEREFORE, IT IS ORDERED by the Commission, that Appendix H of our order and Decision of February 5, 1936, Decision No. 7118, be, and the same is hereby amended to include fresh cucumbers when shipped in open top crates, in the list of items taking the commodity rate prescribed in said Appendix, with the further provision for free return of the empty crates when the loaded movement is over the line of the motor carrier handling the return of the empty crates,

IT IS FURTHER ORDERED, That all common carriers by motor vehicle operating in the State of Colorado be, and they are hereby, ordered, directed and required to cease and desist, on or before July 13, 1936, and thereafter to abstain from publishing, demanding or collecting for the transportation of fresh cucumbers in open top crates, in intrastate commerce, rates which are greater or less than the rates prescribed in Appendix H of Decision No. 7118 herein, and that empty crates shall be returned free when the loaded movement is over the lines of the carrier handling the returned empty crates.

IT IS FURTHER ORDERED, That all common carriers by motor vehicle engaged in the transportation of fresh cucumbers and returned empty crates in the State of Colorado, be, and they are hereby, ordered, directed and required to establish, on or before July 13, 1936, upon notice to the Commission and to the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act, and thereafter to maintain and apply to the transportation of fresh cucumbers in open top crates, rates which shall not be greater or less than the rates on farm products prescribed in Appendix H of Decision No. 7118 herein, and to provide for the free return of empty crates when the loaded movement is over the lines of the carrier

handling the return of said empty crates; and that on and after July 13, 1936, all private carriers by motor vehicle competing with any such common carrier or carriers in the transportation of fresh cucumbers be, and they are hereby, ordered, directed and required to cease and desist from charging, collecting or demanding rates for the transportation of fresh cucumbers and returned empty crates which shall be less than above prescribed for common carriers by motor vehicle.

IT IS FURTHER ORDERED, That this order shall continue in force until the further order of the Commission.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than twenty days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dwyer

W. C. Danks

Walter E. Erickson
Commissioners

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Dated at Denver, Colorado,
this 8th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CRIPPLE CREEK, VICTOR AND COLORADO)
SPRINGS STAGE COMPANY, A CORPORATION,)
FOR A CERTIFICATE OF PUBLIC CONVENI-)
ENCE AND NECESSITY TO OPERATE A MOTOR)
VEHICLE FREIGHT LINE BETWEEN COLORADO)
SPRINGS AND CRIPPLE CREEK AND VICTOR,)
AND INTERMEDIATE POINTS.)

APPLICATION NO. 2369

IN THE MATTER OF THE APPLICATION OF)
JOHN SHULL FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO)
OPERATE TRUCK SERVICE BETWEEN DENVER)
AND INTERMEDIATE POINTS AND CRIPPLE)
CREEK AND VICTOR, UNDER THE NAME AND)
STYLE OF DENVER AND CRIPPLE CREEK)
TRUCK LINE.)

APPLICATION NO. 2186

July 15, 1936

S T A T E M E N T

By the Commission:

On December 3, 1935, in the above styled matters, Decision No. 6879, the Commission granted a certificate of public convenience and necessity to the Cripple Creek, Victor and Colorado Springs Stage Company, a corporation, and denied the application of John Shull for a similar certificate. Thereafter, application for rehearing was filed by said Shull upon the grounds that the granting of a certificate to the Cripple Creek, Victor and Colorado Springs Stage Company was not for the best interest of the communities involved; that an independent non-railroad-connected operation was preferable; that consideration should not have been given by the Commission to the benefits to the Weicker Company by reason of interline shipments, because such considerations do not affect the public welfare in the communities affected; that institution of a common carrier service by Shull would not add a "new service"; that there is no evidence to support the finding that the stage line contemplates twice daily service, and if required, Shull was prepared to inaugurate twice daily service; that the decision is contrary to the evidence and the law in that it finds that the railroad is the only essential

transportation service in the community or that the profits of the operation would go to the railroad; that representatives of the railroad and the stage line coerced witnesses for John Shull so that they were frightened and unwilling to testify, and that said last mentioned matters became known to applicant too late to present at the hearing heretofore held.

The Commission has carefully considered the application for rehearing and has reviewed the testimony offered at the hearing and its findings. We do not think the evidence disclosed that the people of Cripple Creek, Victor and Colorado Springs, either as a whole or in substantial numbers, desire an independent common carrier operation or one wholly unconnected with the railroad, or, if they did, that that fact should be controlling herein. It was asserted at the hearing, and we think it is evident that Cripple Creek and Victor could not get along without the railroad, and while it is true that ownership of the stock of said Cripple Creek, Victor and Colorado Springs Stage Company may not be vested in the railroad, nevertheless indirectly said stock and said company are controlled by the railroad or its associates.

Colorado Springs, its people and shippers and the public generally, are interested in this operation, and Colorado Springs, its people and shippers, and a large portion of the shipping public of Colorado directly, and the citizens and merchants of Victor and Cripple Creek indirectly, are interested in the continuation of the service of Weicker, and we think that it is proper to consider the entire transportation situation, past and future, in determining who should get a certificate.

The request for rehearing based upon the alleged coercion of witnesses by the railroad and stage line representatives, is not accompanied by a statement supported by proper affidavits of what said witnesses would testify to should a rehearing be granted.

As hereinbefore stated, we have considered each and every assignment in support of application for rehearing. Mr. Shull is a capable operator, and we would like to have granted a certificate to him, as well as to the stage company but believe that only one certificate should be granted, and

after a careful consideration of the record, the Commission still is of the opinion that the public convenience and necessity will be served by granting a certificate to the "Stage Line", and finds that said application for rehearing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the application of John Shull for rehearing in the above matter should be, and the same hereby is denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Decker

W. C. Danks

Walter E. Evans

Commissioners.

Dated at Denver, Colorado,
this 15th day of July, 1936.

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(Decision No. 7996)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. A. BETHKE FOR AN EXTENSION)
OF HIS PRIVATE PERMIT NO. A-59.)

APPLICATION NO. 3305-PP-B

July 13, 1936

Appearances: Marion F. Jones, Esq., Longmont,
Colorado, for applicant;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Assn;
Consolidated Motor Freight and Milliken-
Johnstown Truck Line;
J. F. Rowan, Denver, Colorado, for
Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

On July 8, 1931, Private Permit No. A-59 issued to R. A. Bethke
to operate a freight service between Denver, Greeley and Fort Collins.

Applicant now seeks an extension of said permit No. A-59 which,
as limited by the testimony offered at the hearing, would authorize him to
transport general freight for Morey Mercantile Company only from Greeley
to Loveland, Berthoud, Windsor, Johnstown and Milliken, over Federal, State
and County Roads, without authority to add to the number of his customers.

The evidence disclosed that applicant owns trucks and trailers
which he uses in his operation of the value of \$7,000, and has other property
of the value of \$2,000; that his chief customers under his present operation
are Morey Mercantile Company, J. S. Brown, Ewing Brothers and Marr Grocery
Company, for whom he hauls out of Denver to the towns and communities served
by him; that he does not propose to haul freight out of Denver, under the
extension, for Morey Mercantile Company to Windsor, Johnstown, Milliken,
Berthoud and Loveland, but all freight hauled by him to said points will
originate in Greeley although it previously may have been, in part, hauled
by him from Denver to Greeley.

There was some evidence to the effect that Johnstown-Milliken Truck Line at one time had operated between Greeley and Windsor and between Johnstown and Milliken but ceased operations about five months ago on account of the loss of Safeway contract. Its certificate recently was or is about to be extended to include operations to Windsor. Said truck line pre-tested the proposed operation on the theory that it might impair its contemplated service. However, it seems at this time that testimony as to impairment is purely speculative and in view of that fact and the fact that no evidence was offered that Johnstown-Milliken Truck Line would secure the Morey contract if this application were denied and that it is not now rendering an adequate common carrier service in the territory, the Commission believes that it can not make a finding that the proposed operation will impair the efficiency of an existing adequate common carrier service now serving the same territory proposed to be served by applicant.

After a careful consideration of the record, the Commission is of the opinion and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-59, heretofore issued to R. A. Bethke, should be, and hereby is, extended and enlarged to include the transportation over Federal, State and County roads of general freight (the haul to originate in Greeley) from Greeley to Berthoud, Loveland, Johnstown, Milliken and Windsor for the Morey Mercantile Company, without the right to add to the number of his customers under this extension except after hearing and upon special permission of the Commission.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dancy

W. C. Danks

Walter J. Quinn

Commissioners

Dated at Denver, Colorado,
this 13th day of July, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF R. E. MAYFIELD FOR A CLASS A
PERMIT TO OPERATE AS A PRIVATE
CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 3320-PP

July 13, 1936

Appearances: E. B. Hatch, Esq., 1st National Bank
Bldg., Greeley, Colorado, for
Applicant;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for Northeastern Motor Freight and
Motor Truck Common Carriers Associa-
tion;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class A permit which, as limited by the testimony offered at the hearing and stipulation of parties, would authorize him to transport cucumbers to La Salle from Iliff and Sterling and all points intermediate Sterling to La Salle, for the Heinz factory only (without authority to extend his operations except upon special permission of the Commission), over U. S. Highways Nos. 138, 6 and 85, with back haul of crates and barrels only.

Protestants withdrew objections to issuance of permit as limited, it appearing that the proposed operation will not impair the efficiency of any existing motor vehicle common carrier operation.

After a careful consideration of the record, the Commission is of the opinion and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That R. E. Mayfield should be, and he hereby is, authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation to La Salle, over U. S. Highways Nos. 138,

6 and 85, from Iliff, Sterling and all points intermediate Sterling to La Salle, of cucumbers for the Heinz factory, with back haul of crates and barrels only, (without authority to extend his operations except upon special permission of the Commission.)

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer

W. C. Danks

Walter E. Smith

Commissioners.

Dated at Denver, Colorado,
this 13th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JULIAN PAYNE FOR APPROVAL OF TRANS-)
FER OF CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY NO. 469)
ISSUED TO A. C. THOMPSON AND NOW)
OPERATED BY CLARENCE E. THOMPSON,)
ADMINISTRATOR OF THE ESTATE OF)
ALFRED C. THOMPSON.)

APPLICATION NO. 1365-AA

IN THE MATTER OF THE APPLICATION OF)
HERMAN H. PETERSON FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE FREIGHT AND EXPRESS SERVICE)
BETWEEN IGNACIO AND DURANGO, COLORADO.)

APPLICATION NO. 2783

RE MOTOR VEHICLE OPERATIONS OF)
HERMAN H. PETERSON.)

PRIVATE PERMIT NO. A-767

July 13, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant and The Colorado Trucking
Association;
Mollette and Clements, Esqs., Durango, Colorado,
for Clarence E. Thompson;
Russell and McKelvey, Esqs., Durango, Colorado,
for H. H. Peterson;
T. A. White, Esq., Denver, Colorado, for The
Denver and Rio Grande Western Railroad Com-
pany.

S T A T E M E N T

By the Commission:

Prior to January 26, 1934, A. C. Thompson, also known as Alfred C. Thompson, under certificate of public convenience and necessity No. 469, granted by the Public Utilities Commission of the State of Colorado, operated a motor vehicle carrier service between Durango and Ignacio, Colorado. Clarence E. Thompson, the duly appointed, qualified and acting administrator of the estate

of said Alfred C. Thompson, now seeks authority to transfer said certificate to Julian Payne.

On December 2, 1935, Herman H. Peterson, of Ignacio, filed application for a certificate of public convenience and necessity to establish service for the transportation of freight and express by motor vehicle between Ignacio, Colorado, and Durango, Colorado, and intermediate points.

The transfer of said certificate No. 469 was formally protested by H. H. Peterson on the grounds that since the death of said A. C. Thompson, the said Payne had conducted the operation without authority of the Commission, without insurance, and had violated subdivision (e) of Rule 23, Rule 30 and Rule 32 of the Commission, and that unpaid claims were outstanding against said operation, in particular one incurred through the negligent killing of one Howard Anderson by a truck claimed to be operated under P.U.C. 469.

After some preliminary hearings, the matters were finally set for hearing in Durango on January 30, 1936, and by consent of parties were consolidated for hearing and heard on said date.

The evidence disclosed that Mr. Payne was operating a garage at Ignacio, Colorado, and had been engaged in the trucking business for four years; that he owned a $1\frac{1}{2}$ -ton Reo truck of the value of \$700, and a Ford 8-ton truck of the value of \$400, and was acquiring an additional Reo truck from the Thompson estate, all of which he proposed to use in said operation; that the consideration for the transfer is \$300 cash, plus the assumption of \$100 in bills outstanding against said Estate; that Clarence E. Thompson is the duly appointed, qualified and acting Administrator of the Estate of Alfred C. Thompson, deceased; that following the death of said Thompson in May or June of 1935, one Chas. Speth conducted the operation, he, Payne, however, being associated with said Speth in some capacity, the exact nature of which did not clearly appear from the evidence; that the sale and transfer of said certificate has been approved by the County Court and the funds received by the Administrator will be held for the payment of claims, including the claim of Howard Anderson, his parents or administrator, against said estate.

The objection of Mr. Peterson to the transfer chiefly was bottomed on the proposition that one Howard Anderson was killed by a truck used in the operation by Speth or Payne through the negligence of the aforementioned Speth and/or the said Payne or other employees; that due to the failure of Payne to carry the required liability coverage, compensation for the death of said Anderson, occasioned by said negligence of Payne, could not be recovered. There was also some evidence that there is general dissatisfaction with the service on the part of Payne under said operation, and that it was not dependable.

The evidence offered at the hearing on the Payne application at Durango on December 19, 1935, and the records and files of the Commission in reference to Permit A-767 of H. H. Peterson, and the records and files of the Commission concerning certificate No. 469, were made a part of the record by stipulation.

In behalf of the Peterson application for certificate which proposed an operation which would compete with that of the Thompson Estate, Mr. Peterson showed that he had been operating under permit A-767, issued July 6, 1934, for an operation between the Denver and Rio Grande Western depot and the city of Ignacio, and that he also had been operating for some time under special authority of the Commission between Ignacio and Durango, said special authority having been granted upon his request and the request of Ignacio and Durango merchants on account of the irregular and non-dependable operation under the Thompson certificate, said merchants and others at Ignacio having requested him to get a certificate. Also, the Durango Mercantile Company, Western States Grocery Company, Morey Mercantile Company and Wood and Morgan, of Durango, had expressed dissatisfaction with the Thompson operation, or lack of operation, and requested him to get a certificate; that he did not intend to interfere with the railroad operation and contemplated a tri-weekly service between Durango and Ignacio; that he had been handling about four tons of freight weekly; that while one carrier operation could be more profitably conducted than two, and he thought the Thompson certificate should be cancelled, he had been

able to get along under his private permit and thought two carriers could exist.

He proposes to use a 1934 Dodge truck of the value of \$1,000 in the conduct of his operation.

The evidence clearly demonstrated the public convenience and necessity require the conduct of one or more satisfactory and dependable motor vehicle common carrier service between Ignacio and Durango.

The evidence also disclosed that the operation under the Thompson certificate has been very unsatisfactory and if it had been conducted by the certificate owner, it probably should have been cancelled, but in view of the fact that Mr. Thompson died, left only a small estate, and the few dollars to be realized from the transfer of this certificate will go to his heirs and creditors, the Commission believes that some leniency should be shown in the matter and that said certificate should not be cancelled. The Commission also believes that Mr. Payne is a dependable operator and financially able to carry on a successful operation, and that if and when the certificate is transferred to him and he becomes responsible for the operation, he will "carry on" to the satisfaction of the shippers residing in said community.

Also, while ordinarily the Commission is reluctant to grant more than one certificate in a community, in view of the facts developed with reference to the Thompson operation and the unsatisfactory handling thereof since the death of Mr. Thompson by Speth and Payne, Mr. Peterson being required to furnish the only satisfactory service for a number of months, the Commission believes that Mr. Peterson is entitled to special consideration and that the public will be best served in the instant case by granting him a certificate.

After a careful consideration of the record, the Commission is of the opinion and finds that the certificate of public convenience and necessity granted in Application No. 1365-A and owned and operated by A. C. Thompson until his death, should not be cancelled and revoked, and that the application of Clarence E. Thompson, the duly appointed, qualified and acting administrator of the estate of A. C. Thompson, deceased, to transfer said certificate to

Julian Payne, should be granted. The Commission further finds that the public convenience and necessity require the proposed motor vehicle operation of Herman H. Peterson for the conduct of a common carrier motor vehicle operation for the transportation of freight and express between Ignacio, Colorado, and Durango, Colorado, and intermediate points, and that a certificate of public convenience and necessity should issue therefor.

The Commission also finds that private permit No. A-767 should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the complaint of Herman H. Peterson requesting cancellation of certificate No. 469, heretofore issued to A. C. Thompson in Application No. 1365-A, Decision No. 2827, should be, and the same hereby is denied.

IT IS FURTHER ORDERED, That the application of Clarence E. Thompson, as administrator of the Estate of A. C. Thompson, deceased, for authority to transfer said certificate No. 469, issued in Application No. 1365-A, Decision No. 2827, should be, and the same hereby is granted, and said Clarence E. Thompson, administrator, should be, and he hereby is authorized to transfer said certificate to Julian Payne, provided that the transfer herein authorized shall not become effective until transferee shall have on file with the Commission the necessary insurance required by law and our rules and regulations.

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

IT IS FURTHER ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of the applicant, Herman H. Peterson, for the transportation of freight and express between Ignacio and Durango, Colorado, and intermediate points, via U. S. Highway No. 160 and Colorado State Highway No. 172, with authority to operate via Bayfield between Durango and Ignacio, without service to points intermediate thereto, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates,

rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That Private Permit No. A-767, heretofore issued to said Herman H. Peterson should be, and the same hereby is cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. L. Danks

Wm. E. Sisk

Commissioners

Dated at Denver, Colorado,
this 13th day of July, 1936.

CONTROL

(Decision No. 7999)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF)
JOE E. ARAGON FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY FOR)
THE OPERATION OF A MOTOR VEHICLE LINE)
FOR THE TRANSPORTATION OF FREIGHT)
BETWEEN FORT GARLAND AND LA VALLEY)
VIA SAN LUIS, SAN PABLO AND CHAMA,)
COLORADO.)

APPLICATION NO. 3242

July 15, 1936

Appearances: Joe E. Aragon, Fort Garland, Colorado,
applicant;
T. A. White, Esq., Denver, Colorado,
for applicant and for The Rio
Grande Motor Way;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
W. J. Barker, Jarosa, Colorado;
E. B. Feus, Monte Vista, Colorado, for
Pueblo-San Luis Valley Transp. Co.

S T A T E M E N T

By the Commission:

The applicant herein, Joe E. Aragon, doing business as Aragon Truck Line, of Fort Garland, Colorado, filed an application for a certificate of convenience and necessity on May 15, 1936, requesting authority to serve the public in the transportation of freight between Fort Garland, San Luis, San Pablo, La Valley and Chama, on daily schedule. Pueblo-San Luis Valley Transportation Company and T. M. T. C. C. A., Inc., filed formal pretest, which was withdrawn by first named company at the hearing, when Barker Brothers also protested.

At the hearing it appeared that the applicant is the holder of a Government contract to carry mail along the route above indicated; that in connection with his mail service, he has been transporting freight under a private permit to patrons of his mail route; that it has developed that his freight service, in order to adequately serve the public, must be that of a common carrier instead of a private carrier, which accounts for the filing of the instant application; that the private permit granted him in

Application No. 2957-PP, Decision No. 7337 may be cancelled should certificate issue herein; that he proposes to use a 1935 Dodge panel truck of the value of \$800.00 in his proposed operation and intends to operate on schedule, leaving Fort Garland at 8:00 A. M., arriving San Luis at 9:00 A. M., San Pablo at 9:30 A. M., La Valley at 10:00 A. M., and Chama at 10:45 A. M., and on the reverse movement, by diverse route, leaving Chama at 11:00 A. M., San Luis at 11:30 A. M., Fort Garland at 5:30 P. M.; that the territory is now served by twice-a-week service of the Barker Truck Line, its trucks, however, passing through Fort Garland about 5:30 A. M. before freight is available for shipment; that there has been a substantial inquiry and demand for his proposed service on the part of people residing in said territory which he proposes to serve; that freight arrives at Fort Garland by rail directly and via Bassett Truck Line from Alamosa, who operate pick-up and delivery service for the railroad and the Pueblo-San Luis Valley Transportation Company line; that a considerable part of said freight consists of ice cream, meat and other perishables, which cannot lay in the depot at Fort Garland without deteriorating until the Barker line picked it up for delivery at San Luis and other points which applicant proposes to serve; that he intends to establish through rates, not only with the railroad and Rio Grande Transport Company, but with the Pueblo-San Luis Valley Transportation Company as well.

Mr. H. E. Harrell, the Denver and Rio Grande Western railroad agent at Fort Garland, stated that the railroad company and Rio Grande Transport Company were using the daily service of applicant and not only found it to be very satisfactory, but essential; that freight for Fort Garland and points south thence, arriving from Denver and other points north on the "Rocket" in the early morning, was moved from Alamosa by Bassett to Fort Garland instead of being unloaded at Fort Garland; that it was essential that all shipments move out of Fort Garland promptly; that on occasions applicant had been unable to transport all the freight consigned to points on his route in one load, and in such cases made a second trip.

Mr. E. B. Faus, of the Pueblo-San Luis Valley Transportation Company, stated that a daily connection at Fort Garland for San Luis and other points south of Fort Garland is necessary, and notwithstanding several requests on his part, he had been unable to effect such arrangements with Barker.

Mr. W. F. Parrish, Sr., of the San Luis Flour Mill, testified that there was a demand in his community for the proposed service of the applicant, especially so because San Luis merchants preferred to ship by rail rather than by truck, all rail shipments being dropped at Fort Garland; that in his business he had found that the daily combination rail-truck service was more desirable than the twice a week truck service furnished by the Barker line, and also that without the Aragon service it would be necessary for him to send his truck to Fort Garland for his shipments arriving there by rail.

Other business men residing in San Luis, San Pablo and other points along the proposed route, testified to the same effect and agreed that public convenience and necessity require the proposed service of applicant in addition to the Barker service. Mr. Salazar of San Luis, added that he thought merchants were entitled to a through rate from Denver, Pueblo, Trinidad and Walsenburg, to San Luis, which Mr. Aragon, in conjunction with his connecting carriers, proposed to publish.

W. J. Barker testified in opposition that he had no objections to local service along applicant's mail route, and that he did not object to the handling of express and freight originating at or arriving by rail at Fort Garland, to points on the applicant's mail route, but that he objected to applicant handling freight originating in Denver, Pueblo and Walsenburg and other points served by his lines, through a proposed connection by him with the Pueblo-San Luis Valley Transportation Company at Fort Garland, and that most of the Barker business was through business from Pueblo under his common carrier certificate, with some freight from Denver and other points, handled under his private permit, both classes of freight at times being handled in the same equipment at the same time.

In summarizing the testimony, we think it may be said that representatives of the railroad, the Rio Grande Transport Company, Pueblo-San Luis Valley Transportation Company and receivers of freight generally residing in the area proposed to be served by Aragon's truck line, agree that daily freight service between Fort Garland, La Valley and intermediate points, via San Luis, San Pablo and Chama, is a public convenience and necessity. Mr. Barker in effect agrees that this is true, except as to freight arriving at Fort Garland via Pueblo-San Luis Valley Transportation Company lines, and that contention is based, not on the theory that such service is not necessary or that his service is adequate or that he is willing to enlarge his service to care for the public need, but on the theory that indirectly by allowing said company to connect with Aragon, its service would be extended to include the points proposed to be served by him. In a sense, that will be true, but it is also true in the case of all other service under through rates by connecting carriers, which service the law and our recently released rate order requires all common carriers by motor vehicle to furnish. We have tried insofar as possible to place carriers of freight and express by rail and truck on the same basis, and in our opinion, especially in view of the requirements of the rate order as to establishing a joint through service and the publication of joint through rates by connecting carriers, it would be unfair to Pueblo-San Luis Valley Transportation Company and its connecting carriers via Walsenburg and Pueblo, and inconsistent as well, to allow Aragon to move freight arriving at Fort Garland by rail or Bassett truck to destination and not allow him to render the same service as to freight arriving at Fort Garland by said company's truck.

After a careful consideration of the record and the evidence, the Commission is of the opinion and finds that the public convenience and necessity require the proposed motor vehicle operation of Joe E. Aragon and that a certificate therefor should be granted, also that said private permit granted in Application No. 2957-PP should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of Joe E. Aragon, doing business as Aragon Truck Line, for the transportation of freight on schedule between Fort Garland, San Luis, San Pablo, Chama and La Valley and intermediate points via said Highway No. 159 and county roads, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That the private permit granted to Joe E. Aragon in Application No. 2957-PP, Decision No. 7337, should be, and the same hereby is cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Oliver

W. C. Danks

Walter E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 15th day in July, 1936.

CONTROL
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF JOHN LEACH.) PRIVATE PERMIT NO. B-1048
-----)

July 15, 1936

B
1048

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Leach, of Denver, Colorado, requesting that his private permit No. B-1048 be suspended with the proviso that same may be reinstated at any time should he again desire to resume operations under said permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. B-1048, heretofore issued to John Leach, of Denver, Colorado, be, and the same is hereby, suspended for a period of six months from July 7, 1936; provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund T. Wheeler
W. D. Danks
Malcolm Erickson
Commissioners

Dated at Denver, Colorado,
this 15th day of July, 1936.

CONTROL 419

(Decision No. 8001)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF)
MRS. I. B. YOCKEY, DOING BUSINESS AS)
YOCKEY TRUCKING COMPANY, FOR CERTI-)
FICATE OF CONVENIENCE AND NECESSITY)
TO OPERATE TRUCK SERVICE BETWEEN THE)
SOUTH HALF OF BOULDER COUNTY AND)
OTHER POINTS IN THE STATE IN IRRE-)
GULAR SERVICE.)

APPLICATION NO. 3269

July 16, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Mr. V. G. Garnett, Denver, Colorado,
for Colorado Rapid Transit.

S T A T E M E N T

By the Commission:

Mrs. I. B. Yockey, doing business as Yockey Trucking Company, of Boulder, Colorado, seeks a certificate of public convenience and necessity with authority to serve the south half of Boulder County, transporting farm produce, including livestock, farm supplies and farm equipment including furniture when moved in connection with farmers equipment, and with authority to transport out of, into and between points within said area.

Mark Yockey, son of the applicant, and manager of their business, stated that in the past they had been operating under Permit A-889, that the principal business was the hauling of livestock, that they were equipped with a 1936 Ford truck and a pick-up truck used in connection with their store, and were continually requested to serve farmers residing in the south half of Boulder County. The witness said that they proposed to render a strictly farm service with no town to town movement whatever, but did not intend to transport milk, and were not equipped to move new furniture, and stipulated that they would exclude new equipment originating from Denver, in all of their hauls.

With this stipulation Mr. Garnett and other protestants withdrew all objections.

Chris Sorensen, holder of Certificate No. 489, with authority to serve Boulder County, stated that the applicant was reliable and that she and her son had a great deal of experience in the business; that no common carrier service of this character was now taking care of the south half of Boulder County; that there was a constant demand for such service, especially the livestock and moving of farm equipment as well as farm products and farm supplies, and that in his opinion the public need required this service.

It was stipulated that Norman Rhyno, John Antre and Ray Gould, all of whom were present in the hearing room, would, if called as witnesses, testify in substance as did Chris Sorensen.

The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration of the record and the evidence the Commission is of the opinion and finds that the public convenience and necessity require the motor vehicle operation of the applicant doing business as the Yockey Trucking Company, and that a certificate should issue therefor.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of Mrs. I. B. Yockey, doing business as Yockey Trucking Company, for the transportation, not on schedule, of farm products (including livestock), farm supplies and farm equipment (including used furniture when moved with a farmers equipment), into, out of and between points within the south half of Boulder County, Colorado, for customers residing in said area; provided however that applicant hereby is expressly denied authority to transport new equipment or furniture from Denver to Boulder and to engage in any transportation service of a competitive character between points along the line haul of scheduled common carriers now serving this area, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. H. Danks

Wm. E. Smith

Commissioners

Dated at Denver, Colorado,
this 16th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G. BARNHILL, RAMAH, COLORADO, FOR)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE TRUCK SERVICE)
BETWEEN THE VICINITY OF RAMAH, COLO-)
RADO, AND OTHER POINTS IN THE STATE)
OF COLORADO, IN IRREGULAR SERVICE.)

APPLICATION NO. 3138

July 16, 1936

S T A T E M E N T

By the Commission:

In the above entitled matter on the first day of May, 1936, in Decision No. 7555, the Commission, inter alia, provided in the first part of paragraph one of the order as follows:

"IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, G. Barnhill, for the transportation, on call and demand, of farm products, including livestock, farm equipment and farm supplies between points within a 10-mile radius of Ramah, Colorado; and the transportation of the same commodities out of, into and between points within the following described territory;"

It now appears that this part of the first paragraph of said order above quoted should have read as follows:

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, G. Barnhill, for the transportation, on call and demand, of farm products, including livestock, farm equipment and farm supplies into, out of and between points within a 10-mile radius of Ramah, Colorado, except from points within a 10-mile radius around Peyton; and the transportation of the same commodities out of and into points within the following described territory:

It further appears and the Commission so finds that the first part of said paragraph one of said order, dated May 1, 1936, Decision No. 7555, should be amended and corrected, nunc pro tunc, as of said May 1, 1936.

O R D E R

IT IS THEREFORE ORDERED, That all that part of the first paragraph of said order, dated May 1, 1936, Decision No. 7555, beginning with the word "It" in the first line thereof and ending with the word "territory", in the

sixth line thereof, should be, and the same hereby is amended, nunc pro tunc, as of the first day of May, 1936, to read as follows:

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, G. Barnhill, for the transportation, on call and demand, of farm products, including livestock, farm equipment and farm supplies (into, out of and) between points within a 10-mile radius of Ramah, Colorado, except from points within a 10-mile radius around Peyton; and the transportation of the same commodities out of and into points within the following described territory:

IT IS FURTHER ORDERED, That except as herein specifically amended and corrected, said order of May 1, 1936, shall in all respects remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dancy

W. H. Danks

William Erickson

Commissioners.

Dated at Denver, Colorado,
this 16th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BEN A. BIRDSEY FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF ORES AND MINERALS FROM MINES TO CAR)
LOADING TIPPLES AND MINE SUPPLIES IN)
MINERAL COUNTY OVER HIGHWAY 149, AND)
MINERAL COUNTY ROADS, AS WELL AS)
EQUIPMENT AND SUPPLIES FOR ANY OF THE)
NAMED MINING COMPANIES WITHIN THE)
STATE TO DESTINATION POINT, CREEDE,)
MINERAL COUNTY.)

APPLICATION NO. 3239-PP

July 16, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, Ben A. Birdsey seeks a Class B permit to transport ore, clay products, mining supplies between mines in Mineral County and railroad loading points, and Creede, Colorado, and for the transportation of mining machinery parts and repairs between Mineral County and Alamosa and Pueblo in cases of breakdown or emergency.

The applicant stated that he did not care to conduct any operation in competition with scheduled common carriers; that his principal business would be between mines and railroad loading points and between Creede and the mines, with an occasional trip with a broken part of mining machinery to have the same repaired.

The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the proposed

operations of the applicant as disclosed by the testimony will not impair the services of scheduled common carriers and that the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Ben A. Birdsey of Creede, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of ore, minerals, clay products and mining supplies between mines in Mineral County and railroad loading points therein and Creede, Colorado, and for the transportation of broken mining machinery and repair parts between points in Mineral County and Alamosa and Pueblo, in case of breakdown or emergency, provided, however, that the applicant will not engage in any transportation service for the transportation of general freight between points on the line of scheduled common carriers now serving Mineral County.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dineen

W. L. Danks

Walter E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 16th day of July, 1936.

CONTROL
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF JOHN J. GODFREY FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3338-PP

July 16, 1936

Appearances: John J. Godfrey, 626 So. Wash., Fort Collins,
Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for
Motor Truck Common Carriers Association,
et al;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of gasoline and petroleum products from Denver and points within a radius of 25 miles thereof to points in Larimer and Weld Counties.

The evidence disclosed that applicant has an interstate permit No. A-1266-I and has been engaged in transporting gasoline and petroleum products, interstate, for a number of months; that he has a GMC 1934 tractor with rated capacity of $3\frac{1}{2}$ tons and a GMC semi-trailer with a rated capacity of 5 tons; that he now has contracts with customers residing in Larimer County and contemplates extending his operations into Weld County in the near future although he does not have contract with customers in Weld County at this time.

The evidence did not disclose that his proposed operation will impair the efficiency of any authorized motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That John J. Godfrey should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of gasoline and petroleum products from Denver and points within a radius of 25 miles thereof to points in Weld and Larimer Counties, over Federal, State and County roads.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Deane

W. C. Danks

Walter B. Dixon

Commissioners

Dated at Denver, Colorado,
this 16th day of July, 1936.

3-1572
CONTROL
25

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
L. W. PETERSEN FOR A CLASS "B" PERMIT
TO OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE, FOR HIRE, FOR THE
TRANSPORTATION OF OIL WELL SUPPLIES
ONLY FROM AND TO DENVER TO ALL POINTS
IN THE STATE OF COLORADO FOR THE
AMERICAN IRON AND METAL COMPANY OF
DENVER.

APPLICATION NO. 3272-PP

July 16, 1936

Appearances: L. W. Petersen, Denver, Colorado,
pro se;
A. J. Fregean, Denver, Colorado, for
Weicker Transportation Co;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Colorado Warehousemen's Assn.

S T A T E M E N T

By the Commission:

W. L. Petersen, the applicant herein, seeks a Class B permit for the transportation of oil well supplies only between Denver and all points in the State, for one customer, the American Iron and Metal Company of Denver.

The applicant has one Ford V-8 truck and trailer, especially equipped for handling the materials he proposes to transport. His financial standing and reliability was established to the satisfaction of the Commission. The testimony showed that the American Iron and Metal Company of Denver made a business of purchasing the casing left in abandoned oil wells and had employed the applicant to equip himself with the necessary tools needed in removing casing from oil wells any place in Colorado and transporting such casing to Denver. In this connection, under State Law, it is required that when casing is removed from an oil well, proper precaution must be taken to seal off the different sands, and the applicant seeks authority to transport cement and other materials which may be necessary in properly sealing wells from which the casing has been extracted.

After listening to the testimony of the applicant, protestants appearing at the hearing withdrew all objections to the issuance of a permit.

After careful consideration of the testimony and the record, the Commission is of the opinion and finds that the applicant herein is prepared to render a special transportation service, plus technical experience and the facilities needed to remove oil well casings and that a permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That L. W. Peterson of Denver, Colorado, the applicant herein, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle, for hire, for the transportation from Denver to oil wells in the State of Colorado of oil well tools and equipment needed in connection with the removal of casing from oil wells and cement and other materials needed to properly seal off sands, after casing has been removed; and for the transportation of oil well casing removed from abandoned wells and said tools and equipment used in removing it from said wells to Denver for one customer, namely, the American Iron and Metal Company of Denver, without authority to add to the number of his customers except upon express authority of the Commission.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deasey

W. C. Danks

Malcolm Simpson

Commissioners.

Dated at Denver, Colorado,
this 16th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF WILLIAM J. GOODENBERGER FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1559-B

July 25, 1936.

Appearances: J. N. Truitt, Esq., Kiowa, Colorado,
for the applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Ass'n.;
Chas. D. Young, Esq., Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N TBy the Commission:

On November 8, 1930, in Decision No. 3135, pursuant to Application No. 1559, made by William J. Goodenberger, an order was entered granting a certificate of public convenience and necessity for the transportation on irregular schedule of freight of all kinds from point to point in and between the following described territories and Elizabeth:

"Commencing at a point one-half mile west of the town of Elizabeth, Colorado, on State Highway No. 86 where a north and south county road crosses the same, thence north seven miles, thence east one mile, thence north seven miles to Arapahoe County Line, thence east three miles, thence south ten miles, thence west two miles, thence south four miles, thence west two miles to the point of beginning on State Highway No. 86.

"Also a territory within the limits described as follows:

"Beginning at the point on State Highway No. 86 approximately one-half mile west of the town of Elizabeth, in Elbert County, thence west three miles to the county line dividing Douglas and Elbert Counties, thence south along said county line six miles, thence east five miles to the north and south main travelled county highway between Elbert and Elizabeth, Colorado, thence north along said highway to the town of Elizabeth, thence west approximately one-half mile to the place of beginning,"

and the transportation from said territories of livestock in less than carload lots.

The applicant now desires an amendment to his certificate so that he can transport freight into, out of and between points within the above described areas.

The financial standing and reliability of the applicant and the need for said service were established to the satisfaction of the Commission. After the showing made, those appearing at the hearing withdrew objections to the issuance of the extension sought, and it was stipulated that the public convenience and necessity require the granting of this extended authority.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the public convenience and necessity require the extended motor vehicle operations sought by the applicant herein, in order that he may be able to more properly serve the public needs, and that a certificate therefore should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extension of the motor vehicle operations of William J. Goodenberger, for the transportation, on irregular schedule, of freight into, out of and between points within the following described areas:

Commencing at a point one-half mile west of the town of Elizabeth, Colorado, on State Highway No. 86 where a north and south county road crosses the same, thence north seven miles, thence east one mile, thence north seven miles to Arapahoe County Line, thence east three miles, thence south ten miles, thence west two miles, thence south four miles, thence west two miles to the point of beginning on State Highway No. 86;

Also a territory within the limits described as follows:

Beginning at the point on State Highway No. 86 approximately one-half mile west of the town of Elizabeth, in Elbert County, thence west three miles to the county line dividing Douglas and Elbert Counties, thence south along said county line six miles, thence east five miles to the north and south main travelled county highway between Elbert and Elizabeth, Colorado, thence north along said highway to the town of Elizabeth, thence west approximately one-half mile to the place of beginning,

provided however that the applicant shall not engage in any transportation service of a competitive character between points on the route of scheduled

common carriers now serving these areas in competition with said "line haul" common carrier services, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity for such extended service.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dineen

W. S. Danks

Wm. E. Finson

Commissioners

Dated at Denver, Colorado,
this 25th day of July, 1936.

3-1449 Ext
CONTROL
20

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

B-1447
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* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM BARLOW FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE, FOR HIRE.)

APPLICATION NO. 2949-PP

July 16, 1936.

Appearances: William Barlow, Hesperus, Colorado,
pro se;
Mollette and Clements, Esq., Durango,
Colorado, for Wood and Morgan;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

In the above styled matter, on March 25, 1936, the Commission, by order (Dec. 7395), granted a Class B private carrier permit to William Barlow for the transportation of farm products from farms within a radius of 10 miles of Dove Creek to Cortez, Colorado, and coal and farm supplies from Hesperus to ranches within a radius of 10 miles thereof, and to ranches within a radius of 10 miles of Dove Creek, Colorado, and denied his request for authority to transport ore and concentrates from mines within a radius of 45 miles of Hesperus, Colorado, to Durango, and mining machinery, rails, ties and other mine and mill supplies from Durango to mines within said 45-mile radius of Hesperus upon the ground that that part of the proposed operation would impair the efficiency of the common carrier motor vehicle service of Wood and Morgan serving that territory.

Thereafter, applicant filed a petition for rehearing, stating that the service of Wood and Morgan would not be impaired by his proposed operation, and that if a rehearing were granted he would present the "testimony of listed customers" in support of his contention. Thereupon, the matter was set for rehearing at Durango on May 27, 1936 at 2 o'clock P. M.

At that time applicant appeared without any supporting witnesses. He testified that as an employee he had been operating a truck for the La Plata Mines Company since 1927 and now desired to haul for said concern for hire, that Wood and Morgan did not have that business, and that they had not done any hauling for the May Day Mining and Milling Company within the past several months; that the Lucky Discovery and Bessie G. Mines were not operating, and that he wanted to haul mining supplies and other supplies to Bessie G mine where repair work preliminary to operating was being done. It did not appear that he has any customers at Silverton.

He intends to haul supplies from Durango to La Plata Mines, a distance of 22 miles, at 15 cents per cwt. and to May Day Mines, a distance of 16 miles, at 10 cents per cwt., with a \$6.00 minimum. The rate for the same service with a \$10.00 minimum, which has been charged by Wood and Morgan, is considerably in excess of that amount and it appeared from the testimony of Mr. Wood, the reason they have not handled the La Plata Mines' business recently is that "Barlow's rate is too cheap." The matter was otherwise covered by protestant's testimony at former hearing. Nothing new was added except that the protestants, Wood and Morgan, waived objections to granting of permit for transportation of ore for the May Day and La Plata Mines, and supplies to the May Day Mine.

After a careful consideration of the record and in view of the fact that Mr. Barlow did not present corroborative testimony in support of the statement made in his application for rehearing, that his customers would be present and testify if rehearing were granted, the Commission is of the opinion and finds that except transportation of ore for the La Plata and May Day Mines and supplies to the May Day Mine, additional authority should not be granted and that its order of date, March 25, 1936 (Decision No. 7395), otherwise should remain in full force and effect.

O R D E R

IT IS THEREFORE ORDERED, That William Barlow, in addition to the authority heretofore granted by the Commission in its Decision No. 7395, should

be, and he hereby is, authorized to operate as a Class "B" intrastate private carrier by motor vehicle, for hire, for the transportation of ore and concentrates from the La Plata Mines and May Day Mine to Durango and railroad loading points in La Plata County, with back haul of mine supplies from Durango and points in La Plata County to said May Day Mine, only.

IT IS FURTHER ORDERED, That this order shall be taken deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That said application for additional authority, in all other respects should be, and the same hereby is, denied, and the order of the Commission of date, March 25, 1936 (Decision No. 7395) except as indicated, should be, and hereby is, permitted to remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. D. Danks

W. D. Danks

Commissioners.

Dated at Denver, Colorado,
this 16th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF A GENERAL)
INVESTIGATION OF THE FREIGHT) CASE NO. 1585
RATES, AND CLASSIFICATION OF) (RE SUB NO. 12, IN PART.)
FREIGHT, OF ALL COMMON AND)
PRIVATE MOTOR VEHICLE CARRIERS.)

July 17, 1936.

Appearances: Same as shown in Decision No.
7751 dated June 26, 1936.

S T A T E M E N T

By the Commission:

In the original decision No. 7118, we prescribed rates, charges, classification and exceptions thereto to be charged and collected, on and after April 1, 1936, by all motor vehicle common carriers operating in Colorado in intrastate commerce and all private carriers by motor vehicle competing with any such motor vehicle common carrier or carriers. Prior to the effective date, viz., April 1, 1936, the Commission received several petitions for rehearing on certain rates covering several commodities.

On April 22, 1936, by decision No. 7523, we entered our order for further hearing on various phases of our original decision to the extent set forth in the aforesaid decision.

Due to the urgency of certain matters, the Commission feels that as rapidly as each situation can be disposed of, a decision should be rendered, separate and distinct, instead of waiting until a decision can be made on all commodities involved in the rehearing.

It appears that the question of the classification and the application of the class rates under the said classification from the Colorado common points south of Denver to points on the Western Slope and the San Luis Valley is one of the most important situations requiring immediate consideration.

On May 1, 1936, the Colman Freight Service established a rate of 95 cents per 100 pounds on all freight classified first, second or third class or higher from Denver and Pueblo to Grand Junction, and intermediate points where said rate was lower than the contemporaneous class rate. This was authorized by us in our decision No. 7751.

Due to competitive jobbing interests, the rail carriers have in the past maintained Denver, Colorado Springs, Pueblo, Walsenburg and Trinidad on the same basis to points on the Western Slope and we are of the opinion that such an adjustment should be continued.

For the past few years the Rio Grande Transport has had in effect all commodity rates from the Colorado common points to both the Western Slope and the San Luis Valley, and the Rio Grande Motor Way, Inc., have published similar rates between the principal jobbing points and territory in which it has been authorized to operate. The Pueblo San Luis Valley Transportation Company have maintained similar rates from Pueblo to points in the San Luis Valley.

It now develops that unless some readjustment is made in the rates from the Colorado common points to the Western Slope and between local points in that territory, the motor carriers are faced with the loss of the bulk of their traffic to shipper owned trucks, a condition over which this Commission has no control, except to the extent of permitting the carriers to establish rates which will retain the traffic to the

"for hire" motor carriers.

This is not the exact condition insofar as the San Luis Valley is concerned; however, there was sufficient testimony in our Pueblo hearing regarding the class rates to cause the carriers to agree to a trial of the adjustment hereinafter set forth.

After consideration of all the facts, the Commission is of the opinion, and so finds, that the rates set forth in Appendix L, attached hereto, and by reference hereby made a part hereof, are, and for the future will be, just, fair, reasonable and sufficient maximum and minimum rates for the transportation of freight from and to the points specified, and between points not specified located in the territory west of Salida, Buena Vista on and south of U. S. Highway No. 40 South, and Ojo, Colorado, by motor vehicle common carriers, and minimum rates for private carriers by motor vehicle when competing with duly authorized motor vehicle common carriers for substantially the same or similar service, and that the rates on 5,000 and 10,000 pound shipments from one consignor to one consignee on one bill of lading in one day on any commodity or commodities which are accorded the same column rates will be five (5) and ten (10) per cent respectively less than the applicable rate, subject to a maximum deduction of five (5) and ten (10) cents, respectively.

On single shipments of the required minimum weight, composed of two or more articles subject to different column rates, apply to the entire lot the rate applicable to the same quantity of the highest rated article in the shipment; except that this basis shall not apply where lower charges would result from applying to the weight of each article its respective column rate.

And provided, further, that the rates set forth in said appendix shall be limited to use by motor vehicle common

carriers and Class "A" private carriers by motor vehicle operating over regular routes or between fixed points only, and to irregular common and private carriers by motor vehicle when not operating in competition with common carriers operating over established routes or between fixed points.

We further find that the rates herein prescribed shall include pick-up and delivery service in accordance with the qualifications specified in Rule Three (3) of Appendix "B" of our decision No. 7118.

We further find that the column one (1) and two (2) rates herein prescribed shall remove the application of the classification, exceptions thereto and reissues thereof, and the class rates prescribed in decision No. 7118; also the proportional basis of 80 per cent on shipments from carloads, unloaded, broken bulk and distributed at Denver, Colorado Springs, Pueblo, Walsenburg and Trinidad, Colorado; from and to the points named in Appendix L and between points west of Buena Vista, Salida and/or Ojo, Colorado, except such rates shall not remove the application of the classification, exceptions thereto and reissues thereof, and the class rates prescribed in decision No. 7118, from and to Salida and points east thereof, and east of Buena Vista and/or Ojo, Colorado.

O R D E R

It appearing, That on February 5, 1936, May 21, 1936, June 26, 1936, and July 8, 1936, the Commission made and filed in this proceeding statements of its findings of fact and conclusions thereon; and that on said dates the Commission entered its orders to give effect to said conclusions; that on April 22, 1936, the Commission

reopened the said proceeding for further hearing with respect to the rates, rules, regulations, exceptions and classification of freight prescribed in Appendices A and C of said decision No. 7118, dated February 5, 1936;

It further appearing, That such further hearings have been had, and that the Commission has, on the date hereof, made and filed a statement on reconsideration, containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, May 21, 1936, June 26, 1936 and July 8, 1936, are hereby referred to and made parts hereof:

IT IS ORDERED, That the orders heretofore entered in this proceeding on February 5, 1936, May 21, 1936, June 26, 1936 and July 8, 1936, as amended, be, and they are hereby, amended or modified insofar as shall be necessary to give effect to the amended or modified findings made in the aforesaid statement on further hearing herein.

IT IS FURTHER ORDERED, That this order shall become effective on August 1, 1936, and that the rates or bases of rates prescribed or approved in the aforesaid statement on further hearing shall be published upon notice to this Commission and to the general public by not less than five days' filing and posting in the manner prescribed in section 16 of the Public Utilities Act.

IT IS FURTHER ORDERED, That this order shall continue in force and effect until the further order of the Commission, and to that end jurisdiction is retained to make such further and additional orders as may be necessary and proper.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than twenty days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell

W. L. Banks

William E. Eiden

Commissioners

Dated at Denver, Colorado,
this 17th day of July, 1936.

Appendix L.

Page 1

Except as otherwise provided all freight takes Column 2 Rates.

(Subject to provisions of Rules Nos. 1 to 28, Appendix B, Decision 7118).

<u>A R T I C L E</u>	<u>C O L U M N R A T E S</u>
Acids, in packages	First
Advertising Matter (except Catalogues)	First
Aeroplanes and parts, loose or in packages	2 x First
Animals, Birds, Fish or Reptiles, Stuffed, in packages	2 x First
Apparatus, Chemical, in packages	First
Athletic, Gymnastic and Sporting Goods, in packages	First
Bakery Goods (except crackers, cakes and fruit biscuit), in packages	First
Barrels, Casks or Kegs, Wooden, loose or in bundles or packages	First
Barrels, Cylinders or Drums, Sheet Iron or Sheet Steel 2nd hand, Empty	1/2 of 2nd
Baskets, Boxes, Cartons, Crates, Drums or Hampers, Fireboard or Steel, Wooden, Loose or in bundles or packages	First
Bees in Hives	2 x First
Bee Supplies	First
Bicycles and Motorcycles, in packages	First
Bins, Cribs and Shelving, loose or in packages	First
Boots or Shoes, in packages	First
Brooms, in bundles or packages	First
Brooders, Incubators and supplies, loose or in packages	First
Brushes, in packages	First
Burial Cases, in packages	First
Cabinets, Iron, Steel or Wood, in packages	First
Cages, Bird or Animal, in packages	First
Cameras, parts and supplies in packages	First
Cans, empty, loose or in packages	First
Carpets and Carpeting, (including rugs) wrapped or in pack- ages, Value declared by shipper not to exceed \$125.00 per 100 lbs.	First
Value declared by shipper to exceed \$125.00 per 100 lbs	2 x First
Carriers, empty returned. (Applies only on empty carriers forwarded in loaded movement by same line handling empty returned movement)	1/2 of Second

A R T I C L E	C O L U M N R A T E S
Cases, Jewelry and Toilet, in packages	2 x First
Cigarettes and Cigars, in packages	First
Clocks and Watches, in packages (Except of extraordinary value)	First
Clothing, (Except cotton work clothing), in packages	First
Containers, Ice Cream, empty, returned	11¢ each
Cooling Boxes and Refrigerators, in packages	First
Cutlery, in packages	First
Decorations in packages	2 x First
Explosives, in packages, (Subject to rules, regulations and laws of the Bureau of Explosives, State of Colorado, and U.S.A.)	First
Egg Cases or Carriers, loose	First
Eggs, in packages	First
Fertilizing Compounds (manufactured fertilizer), N.O.I.B.N. in Current Western Classification, dry: Limestone, Agricultural; Phosphate, Acidulated; Phosphate, acidulated and ammoniated; prepared animal manure, dry; Ammonia sulphate of, dry; Phosphate Rock, acidulated, ground. In cartons in barrels or boxes, or in bulk in bags, barrels or boxes.	1/2 of Second
Figures, Forms, Images, Ornaments or Signs, except Theatrical Signs not Statuary,	First
Firearms, in packages	First
Fireworks, in packages	First
Flowers, Fruit or Foliage, Artificial, in packages	First
Furniture, new and second-hand, wrapped or in packages	First
Not wrapped or not in packages, value not exceeding 15 cents per pound and so receipted for	2 x First
Not wrapped or not in packages, value exceeding 15 cents per pound	4 x First
Games or Toys, in packages	First
Glass, plate (containing less than 32 Square Feet), in packages	First
Glass, Plate (containing over 32 Square Feet but not exceeding 80 Square Feet), - in packages	1 1/2 x First
Glassware, Cut, in packages	2 x First
Household Goods as described in classification in boxes, barrels or crates, (charges prepaid or guaranteed) (progressive rule)	First
Hats or Caps, in packages	First

A R T I C L E	C O L U M N R A T E S
Implements, Agricultural, and parts thereof (hand), Loose or in packages	First
Instruments, Musical (String or Wind), and parts, in packages,	2 x First
Instruments, Musical, (other than) String or Wind, and parts in packages	First
Instruments, Scientific In packages	2 x First
Lamps, Lanterns, parts and fixtures, in packages	First
Lamps, incandescent and lamp globes, in packages	First
Liquors, Alcoholic, in glass, in packages	First
Lighting Fixtures, in packages	First
Live Stock and Live Animals	First
Machinery and Machines, viz., Adding or Computing; Card Punching, Sorting or Tabulating, Addressing, Imprint- ing, or mailing; Bookkeeping; Cash Registers; Ice Cream Freezers; Sewing and Washing Machines; and parts - loose or in packages	First
Mattresses, wrapped or in packages	First
Millinery or Millinery Goods, in packages	2 x First
Motion Picture apparatus and Films (not exposed), in packages (*)	First
Nursery and Florists' Stock, in packages	2 x First
Optical Goods, in packages	2 x First
Photographers Materials and Supplies, in packages	First
Poultry, live, in coops	First
Poultry Coops, empty, set up	First
Radios and parts (except bulbs or tubes), in packages	First
Radio Bulbs and tubes, in packages	2 x First
Show Cases, in packages,	First
Signs and Scenery, Theatrical, in packages, except as follows, viz:	1½ x First
Signs (other than figures or images), iron, steel or tin, N.O.I.B.N. in current Western Classification, not framed, in packages	2
Silver Plated Ware, in packages	First
Springs, Bed, wrapped or in packages	First
Stationery and Stationer's Supplies	First

(*) Motion picture films exposed NOT TAKEN.

Toys, in packages	First
Trunks and Bags, Traveling, wrapped or in packages,	First
Typewriters, in packages	First
Vehicles, Childrens, in packages	First
Vehicles, Horse Drawn, loose or in packages	First
Vehicles, Motor, (including Motorcycles), loose, or in packages	First
Vehicles, Trailers, loose or in packages	First
Vehicle Parts, viz;	
Bodies, dump, loose or in packages	First
Bodies, freight, loose or in packages	First
Bodies, passenger, loose or in packages	First

The column 1 and 2 rates herein prescribed, removes the application of the classification, exceptions thereto and reissues thereof, and the class rates prescribed in Decision No. 7118, from and to the points named, and between points west of Buena Vista^{Salida} and Ojo, Colorado. However, such rates will not apply as maximum rates to intermediate points east of Buena Vista and/or Ojo, Colorado.

The column 1 and 2 rates herein prescribed will not apply on coal and coke; ~~fresh~~ milk; ~~fresh~~ cream and articles named in paragraph (E), rule No. 4, Appendix B, Decision No. 7118.

DISTANCE

Distance Scale - Column 1 and 2 rates, applies between points west of Buena Vista and/or Ojo, Colorado where specific rates are not provided for.

DISTANCE

RATES IN CENTS PER 100 POUNDS.

					Column		
					1	-	2
5	Miles and under				31	-	24
10	"	"	over 5 miles		32	-	25
15	"	"	" 10 "		33	-	26
20	"	"	" 15 "		34	-	27
25	"	"	" 20 "		36	-	29
30	"	"	" 25 "		39	-	30
35	"	"	" 30 "		40	-	31
40	"	"	" 35 "		42	-	33
45	"	"	" 40 "		44	-	34
50	"	"	" 45 "		46	-	36
55	"	"	" 50 "		48	-	38
60	"	"	" 55 "		50	-	39
65	"	"	" 60 "		52	-	41
70	"	"	" 65 "		53	-	42
75	"	"	" 70 "		55	-	43
80	"	"	" 75 "		57	-	45
85	"	"	" 80 "		60	-	47
90	"	"	" 85 "		62	-	48
95	"	"	" 90 "		64	-	49
100	"	"	" 95 "	64	63	-	50
110	"	"	" 100 "		66	-	52
120	"	"	" 110 "		68	-	53
130	"	"	" 120 "		71	-	56
140	"	"	" 130 "		73	-	57
150	"	"	" 140 "		74	-	59
160	"	"	" 150 "		76	-	60
170	"	"	" 160 "	79	79	-	62
180	"	"	" 170 "		80	-	64
190	"	"	" 180 "		82	-	65
200	"	"	" 190 "		84	-	66

RATES IN CENTS PER 100 POUNDS

- F R O M -

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RATES IN CENTS PER 100 POUNDS

- F R O M -

- T O - ↓	Sa lida Column		Leadville Column		Glenwood Springs Column		Grand Junction Column	
	1	2	1	2	1	2	1	2
Alamosa	63	50	-	-	-	-	-	-
Monte Vista	66	52	-	-	-	-	-	-
Del Norte	-	-	-	-	-	-	-	-
South Fork	-	-	-	-	-	-	-	-
Wagon Wheel Gap	-	-	-	-	-	-	-	-
Creede	-	-	-	-	-	-	-	-
Center	55	43	-	-	-	-	-	-
Saguache	48	38	-	-	-	-	-	-
Mosca	55	43	-	-	-	-	-	-
Hooper	53	42	-	-	-	-	-	-
Moffat	46	36	-	-	-	-	-	-
Mineral Hot Springs	42	33	-	-	-	-	-	-
Villa Grove	41	32	-	-	-	-	-	-
Salida	-	-	-	-	-	-	-	-
La Jara	-	-	-	-	-	-	-	-
Sanford	-	-	-	-	-	-	-	-
Capulin	-	-	-	-	-	-	-	-
Romeo	-	-	-	-	-	-	-	-
Manassa	-	-	-	-	-	-	-	-
Antonito	-	-	-	-	-	-	-	-
Buena Vista)	-	-	-	-	-	-	-	-
Leadville)	-	-	-	-	57	45	79	62
Red Cliff)	-	-	32	25	51	40	76	60
Minturn)	-	-	34	27	51	40	75	58
Avon)	-	-	36	29	50	39	75	58
Wolcott)	-	-	41	32	45	35	70	55
Eagle)	-	-	45	35	41	32	70	55
Gypsum)	-	-	47	37	39	30	70	55
Glenwood)	-	-	57	45	-	-	57	45
Carbondale)	-	-	70	55	39	30	70	55
Aspen)	-	-	70	55	44	34	70	55
New Castle)	-	-	69	54	33	26	57	45
Silt)	-	-	71	56	34	27	53	42
Rifle)	-	-	73	57	39	30	46	36

RATES IN CENTS PER 100 POUNDS

- F R O M -

* TO -	Denver Column		Colorado Springs Column		Pueblo Column		Walsenburg Column		Trinidad Column		Leadville Column	
↓	1	2	1	2	1	2	1	2	1	2	1	2
Grand Valley)											76	60
De Beque)											79	62
Palisade)											79	62
Clifton)											79	62
Grand Junction)	105	82	105	82	105	82	105	82	105	82	79	62
Whitewater)												
Delta)												
Olathe)												
Montrose)												
Austin)												
Hotchkiss)	107	84	107	84	107	84	107	84	107	84	-	-
Paoia)												
Somerset)												
Ridgway)	106	83	106	83	106	83	106	83	106	83	-	-
Ouray)												
Gunnison	95	75	95	75	76	60	95	75	95	75	-	-
Baldwin	99	79	99	79	78	61	99	79	99	79	-	-
Crested Butte	101	80	101	80	80	64	101	80	101	80	-	-
Iola)					87	68						
Sapinero)	105	82	105	82	91	72	105	82	105	82	-	-
Cimarron)					105	82						
Silverton	150	120	150	120	140	110	138	109	140	110	-	-
Durango												
Bayfield												
Piedra												
Dyke } Sunetha } Pagosa Springs }	125	100	125	100	115	90	113	89	115	90	-	-

RATES IN CENTS PER 100 POUNDS

- F R O M -

- T O -	Glenwood Springs Column		Grand Junction Column		Montrose Column		Alamosa Column		Durango Column		Monte Vista Column	
	1	2	1	2	1	2	1	2	1	2	1	2
Grand Valley)	44	34	42	33	-	-	-	-	-	-		
De Beque)	50	39	40	30	-	-	-	-	-	-		
Palisade)	57	45	26	20	-	-	-	-	-	-		
Clifton)	57	45	25	19	-	-	-	-	-	-		
Grand Junction)	57	45	-	-	-	-	105	82	-	-		
Whitewater)	-	-	26	20	-	-	-	-	-	-		
Delta)	-	-	42	33	42	33	-	-	-	-		
Olathe)	-	-	51	40	33	26	-	-	-	-		
Montrose)	-	-	57	45	-	-	105	82	-	-		
Austin)	-	-	45	35	45	35	-	-	-	-		
Hutchins)	-	-	52	41	52	41	-	-	-	-		
Paoia)	-	-	55	43	55	43	-	-	-	-		
Somerset)	-	-	57	45	57	45	-	-	-	-		
Ridgway)	-	-	63	50	39	30	-	-	-	-		
Ouray)	-	-	66	52	42	33	-	-	-	-		
Gunnison	-	-	76	60	52	41	-	-	-	-		
Baldwin	-	-	78	61	54	44	-	-	-	-		
Crested Butte	-	-	80	64	62	48	-	-	-	-		
Iola)	-	-	74	59	50	39	-	-	-	-		
Sapinero)	-	-	73	57	48	38	-	-	-	-		
Cimarron)	-	-	64	49	39	30	-	-	-	-		
Silverton	-	-	90	70	-	-	-	-	44	34		
Durango	-	-	115	90	-	-	91	72	-	-	91	72
Bayfield	-	-	-	-	-	-	88	69	35	20	88	69
Piedra	-	-	-	-	-	-	88	69)			88	69
Dyke	-	-	-	-	-	-	82	65)			82	65
Sunetha	-	-	-	-	-	-	80	63)	43	31	80	63
Pagosa Springs	-	-	-	-	-	-	80	63)			80	63
Mancos	-	-	-	-	-	-	-	-)				
Dolores	-	-	-	-	-	-	-	-)	45	35		
Rico	-	-	-	-	-	-	-	-)	62	48		
Ophir	-	-	-	-	-	-	-	-)				
Telluride	-	-	-	-	-	-	-	-)	71	56		
Placerville	-	-	-	-	-	-	-	-)				

COMMODITY RATES.

Fruits and Vegetables, fresh, green or dried, subject to packing requirements of the classification and Note 1, below.

FROM	TO	RATE IN CENTS PER 100 POUNDS
(Stations)	(Stations)	
Ouray to Mack Somerset Grand Junction to Carbondale and Intermediate Points	Denver Colorado Springs Manitou Broadmoor Pueblo Minnequa	* .85
Durango and intermediate points.	Walsenburg Trinidad and intermediate points.	* 110
Canon City	Denver and intermediate points	* .50
Salida	intermediate points	* 60
	AND INTERMEDIATE DENVER POINTS	* 85
BUENA VISTA	COLORADO SPRINGS AND INTERMEDIATE POINTS	* 77

* If the application of class rates produces a lower charge than the above named rates, the class rates will apply.

Note 1: When it is necessary to use ice for preservation, and it is used for that purpose only, an allowance of 25 per cent from the gross weight will be made from March to November, inclusive, and an allowance of 15 per cent from the gross weight will be made from December to February, inclusive, but the weight so ascertained must not be less than the gross weight of the shipment without the ice. Ice as referred to herein means only water ice (frozen water).

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF OLIVER F. CLYNCKE FOR A CLASS)
B PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3331-PP

July 17, 1936

Appearances: Oliver F. Clyncke, Box 1, Boulder,
Colorado, pro se;
Marian F. Jones, Esq., Longmont,
Colorado, for Norman Rhyno, Mrs.
I. B. Yockey, Ethel A. Sorenson
and Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for McKie Truck Line and Motor Truck
Common Carriers Association;
V. G. Garnett, Denver, Colorado, for
Colorado Rapid Transit.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as an intrastate private carrier by motor vehicle for hire for the transportation of grain and hay from farms within a radius of 8 miles of his farm (which is located about 18 miles southwest of Longmont) to Longmont, Lafayette, Louisville and Boulder, and livestock from said farm to Longmont or Denver.

The evidence disclosed that while Mr. Clyncke is engaged in farming, on account of certain physical impairments, he is unable to irrigate and do other hard farm work; that his neighbors do this work for him and in exchange he occasionally has hauled a few head of livestock for said neighbors; that he also has supplemented his income by hauling some grain and livestock for hire, and that the movement of livestock is from said farms to Denver or to the sales barn at Longmont.

Mr. Bert Scott, one of his neighbors, testified that most of

the neighboring farmers' trucks had been lost on account of "hard times"; that it would be necessary to rely upon service of for hire carriers for the transportation of their grain, a considerable quantity of which has been produced north and east of Clyncke's farm this season; that Clyncke's service is a neighborhood convenience, he being available at all times to move their grain and a cow or two occasionally; that he understood Mr. Yockey hauled livestock but had not served farmers in his neighborhood and lived some distance away.

Mr. Mark Yockey testified for protestant Mrs. I. B. Yockey, that he had no objection to issuance of permit for the transportation of grain but recently Mrs. Yockey had applied for a certificate of public convenience and necessity to render a farm service in that locality and that she wanted to haul livestock; that said certificate as yet had not been issued but probably would be granted soon; that he thought the proposed service would take some business which otherwise they might get.

Private Carrier Act, Chapter 120, Session Laws of 1931, provides that no application for a permit shall be granted by the Commission "if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier then adequately serving the same territory". In our order, Decision No. 7996, Application No. 3305-PP-B of R. A. Bethke, the Commission pointed out that we could not say that a proposed operation will impair the efficiency of a contemplated common carrier service. In view of the language of the Statute and that decision, we are not in a position to say that this application should be denied, either in whole or in part, on the ground that it will impair the proposed Yockey service.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Oliver F. Clyncke should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of hay and grain from farms within a radius of 8 miles of his farm (located about 18 miles southwest of Longmont) to Longmont, Lafayette, Louisville and Boulder, and the transportation of livestock from said farms to sales yard at Longmont and to Denver.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Turner

W. L. Danks

William E. Simon

Commissioners.

Dated at Denver, Colorado,
this 17th day of July, 1936.

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(Decision No. 8012)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
L. E. JENNINGS OF COLORADO SPRINGS,
TO TRANSFER HIS PERMIT NO. A-779 TO
ANGELO DeSALLE OF 4562 GRANT ST.,
AND CAMILLO MARCANTONIO OF FREDERICK,
COLORADO.

APPLICATION NO. 3350-PP-A

July 18, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Z. D. Bohrer, Esq., Denver, Colorado, for
Motor Truck Common Carriers Assn. and
Colorado Rapid Transit;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

On July 16, 1934, private permit No. A-779 was issued to L. E. Jennings of Colorado Springs with authority to transport freight between Pueblo and Fort Collins or Greeley and all intermediate points via U. S. 85 and U. S. 285. Between Colorado Springs and Grand Junction and all intermediate points via U. S. 40 S. Between Pueblo and Lamar and all intermediate points via U. S. 50.

Jennings has now about concluded a contract for the sale of his permit to Angelo DeSalle of 4585 Logan Street, Denver, Colorado and Camille Marcantonio of Frederick, Colorado, for the sum of \$1500.00.

Jennings says he has no outstanding debts as a result of his operations to date.

DeSalle and Marcantonio are partners and propose to conduct the transportation business under the name of DeSalle Truck Line, provided this transfer is made. Each of the partners are the owners of trucks which are clear of encumbrance, one owns the house in which he lives, the other has two houses worth approximately \$6,000.00.

The financial standing and reliability of the transferee was

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established to the satisfaction of the Commission. The transferee proposes to conduct a similar service to that conducted by the transferor and to cover practically the same routes and serve practically the same customers.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be and the same hereby is granted to L. E. Jennings, owner of private permit No. A-779 to transfer all of his right, title and interest in and to said permit, and one truck, to Angele DeSalle and Camille Marcantonio, and this order will be taken, deemed and held to be authority for the above transfer.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank J. O'Connell

W. J. Danks

Walter S. Smith

Commissioners.

Dated at Denver, Colorado,
this 18th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ED HAINES FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
TRUCK SERVICE FROM AND IN LAS ANIMAS,)
BACA AND HUERFANO COUNTIES TO OTHER)
POINTS IN THE STATE OF COLORADO, IN)
IRREGULAR SERVICE.)

APPLICATION NO. 3230

July 20, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado, and
Frank H. Hall, Esq., Trinidad, Colorado,
attorneys for applicant;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n;
T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande Western R. R. Company;
J. Q. Dier, Esq., by T. A. White, Esq., Denver,
for The Colorado and Southern Railway Company;
R. F. Maroney, Esq., Denver, Colorado,
for The Atchison, Topeka and Santa Fe Railway
Company.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and necessity authorizing the establishment of a common carrier truck service for the transportation of various commodities in irregular service. Outside of live stock, applicant proposes to transport shipments of freight, particularly furniture, heavy machinery, equipment and building supplies, all of which would originate in Las Animas County, from and to said county to and from other points in the state. He also seeks authority to transport live stock originating within the counties of Las Animas, Baca and Huerfano, to Denver, as well as other points in the State of Colorado.

Applicant is now operating as a private carrier under a Class A permit, which authorizes the transportation of freight between Pueblo and Walsenburg, Trinidad, Alamosa and Monte Vista, also between Trinidad and the Colorado-New Mexico state line, including the right to transport beer and

empties only for the Philip Schneider Brewing Company from and to Trinidad to and from Denver, via Lamar and La Junta or via Pueblo, and including also the right to serve intermediate points.

Applicant is possessed of equipment valued in excess of \$10,000, against which at the time of the hearing indebtedness of only \$800 existed. He testified that he had between three and twelve calls per month for the service which he proposes to render under his certificate if granted. He desires to retain his private permit, even though granted a common carrier certificate.

A number of other witnesses testified in behalf of applicant, but their testimony was largely confined to the public convenience and necessity that existed for the operation of applicant so far as the transportation of live stock was concerned, although some evidence was introduced to the effect that additional transportation facilities were needed in Las Animas County for the transportation of commodities of the nature of lumber, hay and heavy machinery.

On behalf of protestants, evidence was introduced to the effect that The Atchison, Topeka and Santa Fe Railway Company is now engaged in the construction of a new line between Springfield and Las Animas. It was further developed that the Couey Storage and Transfer Company and Pople Brothers, both of Trinidad, Colorado, have certificates of convenience and necessity. Both the Couey and Pople certificates authorize generally the transportation of freight in the counties of Las Animas and Huerfano, with occasional service throughout the State of Colorado. The latter operator uses 5 trucks, besides one pick-up, in its operations, and the former has 20 trucks. The witness for Pople Brothers Construction Company testified that they did not care for the cattle haul, but were interested in the transportation of all other commodities and had ample equipment and were prepared to render any service necessary to properly serve the public in the counties of Las Animas and Huerfano.

The witness for the Couey Transfer and Storage Company testified to the effect that this company had never made a business of transporting building supplies to the country, nor had they engaged in the transportation of cattle. The reason given for this condition was the fact that rates had

been so cheap for movements of this kind that they did not care to engage in same. However, it was testified that they were prepared and had sufficient equipment to take care of any reasonable demands made upon them by the public.

It was also disclosed that Weicker Transportation Company, which operates a line haul between Denver and Trinidad, has emergency equipment at Pueblo, Colorado, which could be used by the Couey Transfer and Storage Company if necessity required. Applicant has van type of equipment which is not possessed by the other common carriers in that territory.

It was further disclosed that a number of private carriers also are rendering service into and out of the area in question.

In Re E. B. Faus, Decision No. 4955, P.U.R. 1933E, 506, the Commission held that it would not permit the same party to operate both as a common carrier and private carrier at the same time, with the same facilities, within the same territory and over the same route.

In Re Ray R. Mercure, Decision No. 6699, P.U.R. 11 (N.S.), page 281, the Commission held that a motor carrier holding a private carrier permit may operate as a common carrier under a certificate of public convenience and necessity in territory from which the territory covered by private permit is specifically excluded.

In Re Greeley Transportation Company, P.U.R. 1932-A, 55, we held that Greeley Transportation Company had the right to operate as a private carrier outside of the territory it was authorized to serve as a common carrier.

In view of these decisions, it is apparent that if a certificate of public convenience and necessity is granted to applicant in the instant case, the territory which he is now authorized to serve as a private carrier would have to be excluded insofar as the transportation of general freight is concerned. In our opinion, the evidence disclosed by the record fails to show any public convenience and necessity for the proposed operation of applicant except insofar as the transportation of live stock is concerned.

Applicant is no doubt an excellent operator and furnishes very satisfactory service to his customers, and ordinarily the Commission would be very glad to grant him a certificate, but in view of the service heretofore

authorized and now available in the area in question, we can find no justification for granting additional authority for the transportation of any freight except live stock. It affirmatively appears that applicant is ~~not~~ transporting live stock under his private permit, and that while some of the transportation of said live stock would be over the same routes that he is ~~not~~ operating upon under his private permit, yet different equipment would be used by applicant for the transportation of said live stock.

The Commission has consistently taken the position that ample service should be afforded the general public for the transportation of farm products, including live stock, even though it might mean that during certain seasons of the year a surplus of service would be available, and with this end in view, the Commission has decided to grant applicant a certificate for the transportation of live stock between the points involved, without restricting the same to routes other than those covered by his private permit. However, our action in the instant case will not be deemed a precedent for any future cases of similar nature that may occur.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant application should be denied, except insofar as the same relates to the transportation of live stock. We are further of the opinion, and so find, that the public convenience and necessity require the proposed motor vehicle operation of applicant for the transportation of live stock only from point to point within the counties of Las Animas, Baca and Huerfano, and from ^{and to} points in said counties to and from other points in the State of Colorado.

O R D E R

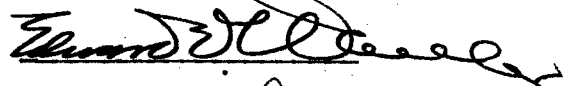
IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of applicant for the transportation of live stock from point to point within the counties of Las Animas, Baca and Huerfano, and from and to points in said counties to and from other points in the State of Colorado; provided, however, that in the transportation of said live stock applicant shall not use the same equipment that he is

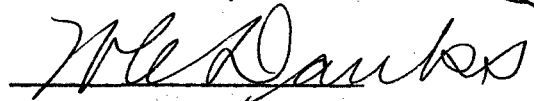
operating under his private permit No. A-333, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

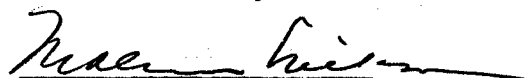
IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 20th day of July, 1936.

CONTROL 9/2

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES S. SUHL AND VIRGIL SUHL,)
COPARTNERS, DOING BUSINESS AS)
S. & S. TRANSFER COMPANY.)

CASE NO. 1657

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondents to show cause why private permit No. A-21, heretofore issued to them, should not be cancelled or revoked for their failure to file monthly reports and pay highway compensation taxes.

The evidence disclosed that said permit was suspended July 31, 1933, at respondents' request for a period of six months. No monthly reports have been filed and no taxes have been paid since said date, nor has any effective insurance been kept on file.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-21, heretofore issued to Charles S. Suhl and Virgil Suhl, co-partners, doing business as S. & S. Transfer Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dancy

W. C. Danks

James Swice

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

CONTROL *14*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. S. PHENEY.) CASE NO. 1658

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-63, heretofore issued to him, should not be suspended or revoked for his failure to file monthly reports for the year 1935 and to July 1, 1936, pay highway compensation taxes for said period, file the necessary insurance required by law and the rules and regulations of the Commission, and for his failure to file a list of his customers.

The evidence disclosed that the above delinquencies have not been satisfied by respondent.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-63, heretofore issued to J. S. Phene, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock

McDauks

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
McHENRY TRANSFER COMPANY.)

CASE NO. 1659

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-78, heretofore issued to it, should not be suspended or revoked for its failure to file monthly reports for the period December, 1935 to June, 1936, and for failure to file a list of customers and the necessary insurance required by law and the rules of the Commission.

The evidence disclosed that the above delinquencies have not been satisfied by respondent.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-78, heretofore issued to S. F. McHenry, doing business as McHenry Transfer, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock

McDanks

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

~~CONTROL~~

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS J. DENNING.)

CASE NO. 1661

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-116, heretofore issued to him, should not be suspended or revoked for his failure to file a list of his customers as required by the rules and regulations of the Commission.

The evidence disclosed that prior to the hearing, but subsequent to the issuance of show cause order, respondent filed his list of customers.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed, with a warning to respondent that hereafter he must be more prompt in complying with the law and our rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. L. Danks
Malcolm Smith
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. W. KARR & COMPANY.)

CASE NO. 1662

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-118, heretofore issued to it, should not be suspended or revoked for its failure to file a list of its customers as required by the rules and regulations of the Commission.

The evidence disclosed that prior to the hearing, but subsequent to issuance of the show cause order, respondent filed its list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Leary
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

CONTROL 12

(Decision No. 8019)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WAYNE BAKER.)

CASE NO. 1663

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-120, heretofore issued to him, should not be suspended or revoked for his failure to make monthly reports and pay highway compensation taxes for the year 1935 and from January to June, 1936, and for his failure to file with the Commission a list of his customers and the necessary insurance required by law and the rules and regulations of the Commission.

The evidence disclosed that respondent had not satisfied the above delinquencies.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-120, heretofore issued to Wayne Baker, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. L. Danks
W. E. Smith
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

CONTROL 84

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. L. MILLER.)

CASE NO. 1664

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why his private permit No. A-144 should not be suspended or revoked for his failure to file with the Commission a list of his customers.

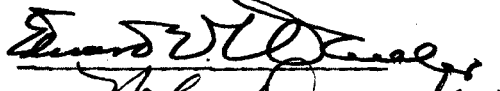

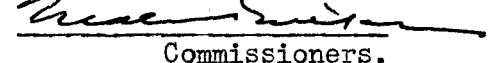
The evidence disclosed that prior to the hearing but subsequent to issuance of the show cause order, respondent filed his list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE HILL.)

CASE NO. 1665

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why his private permit No. A-150 should not be suspended or revoked for his failure to file a list of his customers with the Commission as required by our rules and regulations.

The evidence disclosed that prior to the hearing, but subsequent to issuance of the said show cause order, respondent filed his list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. C. C. C.
W. L. D. D. D.
W. L. D. D. D.
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
HERBERT DENHAM FOR AN EXTENSION OF)
HIS CLASS A PERMIT NO. A-884 TO IN-)
CLUDE THE TRANSPORTATION OF FREIGHT)
FROM GRAND JUNCTION INTO DELTA AND)
MONTROSE: ALSO TO HAUL OIL FROM DEN-)
VER INTO MONTROSE AND DELTA, COLORADO.)

APPLICATION NO. 2895-PP-BB.

July 21, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for Moore Truck Line, George Stewart, Elmer
Castberg, Will Watts, Glen Holman and
Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above styled matter was regularly set for hearing at Grand Junction, Colorado, on June 24, 1936, at 9:30 o'clock A.M. and notice thereof duly given to applicant upon his application for an extension of his Class "A" permit No. A-884 to include the right to transport all kinds of freight from Grand Junction into Delta and Montrose, and oil from Denver into Montrose and Delta.

The matter was duly heard, although applicant did not appear, upon the application of applicant and testimony offered in behalf of protestants whose witnesses made the trip from Denver for the purpose of testifying in opposition to the granting of said extension. From the evidence it appeared that the freight operations of Rio Grande Motor Way, Inc. and those of Moore Truck Line and other carriers involved, had not been profitable and that the loss of the hauling sought by applicant would seriously impair the efficiency of the adequate common carrier service now offered by Rio Grande Motor Way, Inc. and Moore Truck Line.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the Application of Herbert Denham for an extension of his Class "A" permit No. A-884 should be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. A. Danks

Walter E. Egan

Commissioners.

Dated at Denver, Colorado,
this 21 day of July, 1936.

B-1570

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF J. G. JACOBSEN FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3282-PP.

July 21, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of ore and concentrates from mines within a radius of 20 miles of Vanadium Mill, located 6 miles southwest of Cedar, to said mill and from said mines and said mill to Montrose or Leadville, with back haul of mines and mill supplies, equipment and machinery from Montrose to said mines and mill, and the transportation of wool from ranches situated in the western part of Montrose and San Miguel Counties to Montrose or Placerville.

Protestant withdrew objection to the issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. G. Jacobsen should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of ore and concentrates from mines within a radius of 20 miles of Vanadium Mill, located 6 miles southwest of Cedar, to said mill and from said mines and said mill to Montrose and Leadville with back haul of mine and mill supplies, and equipment and machinery from Montrose to said mines and mill and the transportation of wool from ranches in the western part of Montrose and San Miguel Counties to Placerville or Montrose.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deady
W. L. Danks

Dated at Denver, Colorado,
this 21st day of July, 1936.

W. L. Danks
Commissioners.

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CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. LANG.)

CASE NO. 1666

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why his private permit No. A-155 should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

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

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell
W. L. Danks
Max E. Swin
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK L. WILLIAMS.)

CASE NO. 1667

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission/

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why his private permit No. A-161 should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

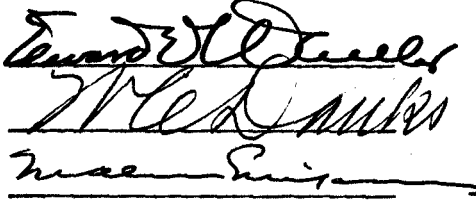
The evidence disclosed that the above delinquency had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-161, heretofore issued to Frank L. Williams be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. F. MCINTYRE.)

CASE NO. 1668

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-175 should not be suspended or revoked for his failure to file a list of his customers with the Commission as required by our rules and regulations.

The evidence disclosed that the above delinquency had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled for failure of respondent to file a list of his customers.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-173, heretofore issued to J. F. McIntyre, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen
W. L. Danks
W. L. Danks

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. L. STEPHENS.)

CASE NO. 1669

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-179 should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance required by law and our rules and regulations.

The evidence disclosed that the above delinquency had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked for failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-179 be, and the same is hereby, revoked, for respondent's failure to file insurance.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
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Rueben E. ...
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

(Decision No. 8028)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASES)
IN FREIGHT RATES AND CHARGES)

CASE NO. 1409.

July 17, 1936.

Appearances: J. A. Gallaher, Esq., Denver, Colorado,
for petitioners;
F. O. Sandstrom, Boston Building,
for Colorado-New Mexico Coal
Operators' Association;
T. S. Wood, Denver, Colorado, Rate Expert,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On April 15, 1935, the Commission entered its order authorizing all common carriers by railroad operating as such within the State of Colorado, to establish certain emergency charges as approved by the Interstate Commerce Commission in its report and findings in "Emergency Freight Charges 1935, Ex Parte No. 115, 208 I. C. C. 4", with certain exceptions authorized in said order. Thereafter, on June 18, 1935, by supplemental order, said order of April 15, 1935 was modified and amended in certain respects. Thereafter, on February 7, 1936, a supplemental petition was filed with the Commission by said carriers requesting the Commission to reopen the proceedings for further consideration. By order entered June 25, 1936, the Commission set down for hearing said supplemental petition at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on July 15, 1936, and we further provided in said order that the expiration date of the emergency increases in intrastate freight rates and charges authorized by this Commission be extended, subject to the exceptions and modifications prescribed by the Inter-

state Commerce Commission in its order of June 9, 1936, in Ex Parte No. 115, until the further order of the Commission.

At the hearing held upon said supplemental petition, the carriers introduced in evidence the findings and order of the Interstate Commerce Commission of June 9, 1936, in Ex Parte No. 115, and requested that this Commission make its order extending said emergency increases in intrastate freight rates and charges in Colorado as authorized by said Interstate Commerce Commission upon interstate traffic until December 31, 1936, subject to the exceptions and modifications contained in the order of this Commission of April 15, 1935, and our supplemental statement of June 18, 1935.

No objections were interposed to the granting of the authority sought, and the representative of the Colorado-New Mexico Coal Operators' Association joined in the request of petitioners.

After a careful consideration of the record, we are of the opinion, and so find, that the expiration date of such increases in freight rates and charges as are authorized in the report and order of the Interstate Commerce Commission of June 9, 1936, subject to the exceptions and modifications contained in our order of April 15, 1935, and supplemental statement of June 18, 1935, should be extended on traffic moving from point to point within the State of Colorado until December 31, 1936.

O R D E R

IT IS THEREFORE ORDERED, That the emergency increases in intrastate freight rates and charges authorized by this Commission on April 15, 1935, subject to the supplemental statement of the Commission of June 18, 1935, and subject to the exceptions and

modifications prescribed by the Interstate Commerce Commission in its order of June 9, 1936, in Ex Parte No. 115, be, and the same are hereby approved for continued application until December 31, 1936, for the transportation of property over the lines of railroad carriers operating within the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
W. E. Danks

Commissioners.

Dated at Denver, Colorado,
this 17th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
RUTH B. DERMODY TO TRANSFER PRIVATE)
PERMIT NO. A-1247 TO H. L. BRYANT.)

APPLICATION NO. 2577-PP-A.

B-1247

July 21, 1936

Appearances: Ruth B. Dermody, 303 N. Meldrum St.,
Fort Collins, Colorado, pro se;
H. L. Bryant, 924 West Oak St.,
Fort Collins, Colorado, pro se;
Zene D. Bohrer, Esq., and J. F. Rowan,
Denver, Colorado, for Motor Truck
Common Carriers Association;
Marion F. Jones, Esq., Longmont,
Colorado, for Colorado Trucking Assn.

S T A T E M E N T

By the Commission:

On November 4, 1935, in Application No. 2577-PP, (Decision No. 6786), Ruth Dermody was granted a permit to operate as a private carrier by motor vehicle for hire for the operation of a drayage business in Fort Collins, and the transportation of coal, feed, household goods and building materials from point to point within Larimer County, Colorado, except between Fort Collins, Loveland, Berthoud and intermediate points served by common carrier service. She now seeks authority to transfer said permit No. B-1247, issued pursuant to said order, to H. L. Bryant.

The evidence disclosed that the consideration for the transfer of said permit and a 1927 one-ton Dodge automobile is \$500; that there are no outstanding bills against said operation; that transferee has been in the trucking business for twelve years, is financially able to conduct said operation and is willing to assume any unpaid bills against the same should they later develop, to the extent of said consideration.

After a careful consideration of the record, the Commission is of the opinion and finds that said application for transfer should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Ruth B. Dermody should be, and she hereby is, authorized to transfer to H. L. Bryant private permit No. B-1247, said transferee to assume and satisfy all outstanding obligations if any there be against said operation to the extent of the consideration paid therefor.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deery

W. L. Danks

Wm. E. Eickman
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

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(Decision No. 8031)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF K. E. TANIS TRUCK LINE FOR AN)
EXTENSION OF ITS INTERSTATE PRI-)
VATE PERMIT NO. A-883.)

INTERSTATE PRIVATE PERMIT NO. A-883.

July 21, 1936

S T A T E M E N T

By the Commission:

On December 28, 1934, Class A Private Permit No. A-883 for interstate contract hauling "between Colorado-Kansas state line and Pueblo and Denver, Colorado and intermediate points, via U. S. Highways Nos. 50 and 85, interstate only" issued to K. E. Tanis Truck Line. Said permittee now seeks an extension of said permit to include the right to transport general merchandise from and to all points on the Colorado state line to and from all points in the State of Colorado.

After a careful consideration of the record, the Commission is of the opinion and finds that said application for an extension should be granted, said permit hereafter to be known as "Interstate Private Permit No. A-883-I" and to be issued subject to the provisions of the Federal Motor Carrier Act of 1935.

O R D E R

IT IS THEREFORE ORDERED, That Interstate Private Permit No. A-883, heretofore issued to K. E. Tanis Truck Line, should be, and hereby is, extended to include the right to transport general merchandise as an interstate private carrier operation by motor vehicle for hire from and to the Colorado state line to and from all points in the State of Colorado, over Federal, State and County highways, such permit to issue subject to the provisions of the Federal Motor Carrier Act of 1935, and hereafter to be known as "Interstate Private Permit No. A-883-I."

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen

McDank

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Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

F

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. B. ROMERO.)

CASE NO. 1670

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-194, heretofore issued to him, should not be suspended or revoked for his failure to make monthly reports and pay tax for the year 1935 and for the period January to June, 1936, and for his failure to file a list of his customers and the necessary insurance and obtain identification cards.

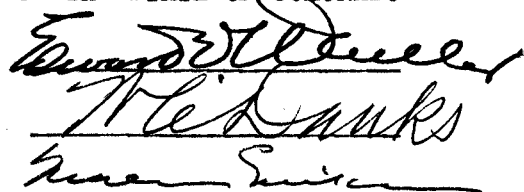
A letter was received from respondent, stating that he had advised the Commission two years ago to cancel his permit, as he was not engaged in trucking.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit No. A-194 should be cancelled as requested.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-194, heretofore issued to A. B. Romero, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 1671

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-220, heretofore issued to him, should not be suspended or revoked for his failure to make monthly reports and pay highway compensation tax from October 1, 1935, to July 1, 1936, and also for his failure to file a list of his customers and the necessary insurance required by law.

The evidence disclosed that the above delinquencies had not been satisfied.

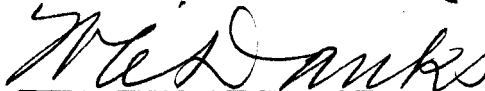
After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

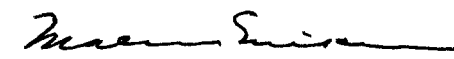
O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-220, heretofore issued to R. A. Hammel, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. C. JONES.)

CASE NO. 1672

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-252 should not be suspended or revoked for his failure to make reports, pay highway compensation tax, file a list of his customers and keep on file with the Commission the necessary insurance required by law.

It now appears that said permit has heretofore been revoked in Case No. 1649, Decision No. 7899 and that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dukes
W. C. Danks

Max Simon
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 1673

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why his private permit No. A-258, heretofore issued to him, should not be suspended or revoked for his failure to file a list of his customers and the necessary insurance, and also for his failure to make monthly reports, pay highway compensation tax for the year 1935 and to June 1, 1936, and failure to obtain identification cards.

The evidence disclosed that the above delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-258, heretofore issued to H. E. Hay, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

W. C. Danks

Wm. E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAMUEL P. STEPHEN.)

CASE NO. 1675

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-280 should not be suspended or revoked for his failure to make reports and pay highway compensation tax for the year 1935 and to July 1, 1936, file a list of his customers and the necessary insurance as required by law and our Rules and Regulations, and obtain identification cards.

The evidence disclosed that the above delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-280, heretofore issued to Samuel P. Stephen, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock

W. E. Danks

W. E. Danks

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. C. WILLIAMS.)

CASE NO. 1676

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-305 should not be suspended or revoked for his failure to file a list of his customers and a list of his equipment.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent filed his list of customers and equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. E. Danks
W. E. Danks

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
D. A. BYES.)

CASE NO. 1677

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-348 should not be suspended or revoked for his failure to the necessary insurance, a list of his customers and a list of his equipment.

The evidence disclosed that prior to the hearing on said matter but subsequent to issuance of show cause order, respondent filed the required insurance, a list of his customers and a list of his equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. L. Danks
Wm. E. ...
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF HOLDCROFT TRANSPORTATION)
COMPANY.)

CASE NO. 1678

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why its private permit No. A-350-I should not be suspended or revoked for failure to make monthly reports and file a list of its customers.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That interstate private permit No. A-350-I, heretofore issued to Holdcroft Transportation Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
W. H. Danks
James E. ...

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN HANSSEN, JR.)

CASE NO. 1679

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-353 should not be suspended or revoked for his failure to file a list of his customers and secure identification cards.

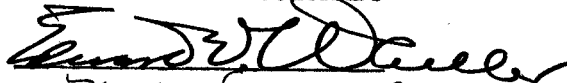


The evidence disclosed that prior to the hearing on said matter but subsequent to issuance of show cause order, respondent filed his list of customers and secured identification cards.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. VAIR.)

CASE NO. 1680

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-354 should not be suspended or revoked for his failure to file a list of his customers and equipment.

It now appears that said permit has heretofore been revoked on June 18, 1936, Decision No. 7717, and that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward B. Decker

W. L. Drakes

Wm. Quinn

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WEICKER TRANSFER AND STORAGE)
COMPANY.)

CASE NO. 1682

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why its private permit No. A-361 should not be suspended or revoked for its failure to make monthly reports and pay highway compensation tax since February, 1933, and for failure to file a list of customers.

The evidence disclosed that the above delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-361, heretofore issued to Weicker Transfer and Storage Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
W. L. Danks
Wm. E. Egan
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
F. L. BLAUFUS.)

CASE NO. 1683

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-380 should not be suspended or revoked for his failure to make monthly reports for the period August 1, 1935, to July 1, 1936, and for failure to keep on file with the Commission the necessary insurance policy or surety bond and file a list of his customers.

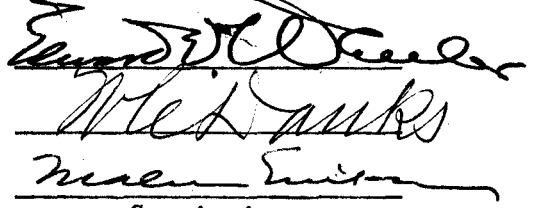
The evidence disclosed that the above delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-380, heretofore issued to F. L. Blaufus, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SOUTHWESTERN TRANSFER AND STORAGE)
COMPANY.)

CASE NO. 1685

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why its private permit No. A-410 should not be suspended or revoked for its failure to file with the Commission a list of its customers.

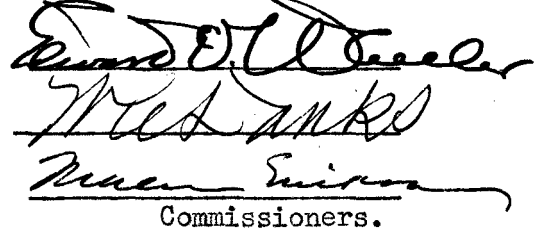
The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent filed its list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ILIFF L. HOCKETT.)

CASE NO. 1687

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why his private permit No. A-425 should not be suspended or revoked for his failure to make reports and pay highway compensation taxes for the year 1935 and to July 1, 1936, file a list of his customers and of his equipment.

The evidence disclosed that on July 7, 1936, a letter was received from respondent consenting to the cancellation of his permit.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-425, heretofore issued to Iliff L. Hockett, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell
W. C. Danks

Robert E. Sullivan
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. D. AND A. S. GARRIOTT.)

CASE NO. 1688

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondents to show cause why their private permit No. A-434 should not be suspended or revoked for their failure to file with the Commission a list of their customers.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of the show cause order, respondents filed their list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
Wesley Hanks
Thomas E. Smith
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF GEORGE H. WATSON FOR A CLASS)
A PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3346-PP-B.

July 21, 1936

Appearances: Emily Watson, Estes Park, Colorado,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Assn;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On July 23, 1931, Private Permit No. A-86 issued to George H. Watson for the transportation of freight between Denver and Estes Park. He now seeks authority to extend or enlarge said permit to include the transportation of cement only between Boettcher and/or La Porte to Estes Park, via U. S. Highway No. 285, Colo. 16, Colo. 186, or via cut-off through Masonville, Colorado.

No evidence was offered by protestants in opposition to the granting of the extension and it did not appear that the proposed additional service will impair the efficiency of any motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion and finds that said extension as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-86, heretofore issued to George H. Watson, should be, and the same hereby is, extended and enlarged to include the right to transport cement as a Class A private carrier by motor vehicle for hire from Boettcher and/or La Porte to Estes Park, via U.S. Highway No. 285, Colo. No. 16, Colo. No. 186, or via cut-off through Masonville, Colorado.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 21st day of July, 1936.

Edward J. O'Connell
W. L. Danks

Marion F. Jones

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF HENRY R. SWANSON FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3300-PP.

July 21, 1936.

Appearances: Henry R. Swanson, Paonia, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc;
Marion F. Jones, Esq., Longmont,
Colorado, for Colorado Trucking
Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as an intra-state private carrier by motor vehicle, for hire, for the transportation of lumber and lumber by-products from Hubbard Park Sawmill, 18 miles north of Paonia, to Paonia, Bowie, Somerset, Hotchkiss and Delta, over U. S. Forest Service Trail to Paonia and state highways from Paonia to destinations aforementioned, with back haul of supplies to said sawmill.

The evidence disclosed that the proposed operation is a class "A" operation and will not impair the service of any authorized motor vehicle common carrier and, thereupon, protestants withdrew objections to issuance of permit as limited.

The operating experience and responsibility generally of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that a class A permit should issue for the requested operation.

O R D E R

IT IS THEREFORE ORDERED, That Henry R. Swanson should be, and he hereby is, authorized to operate as a Class "A" intrastate private carrier by motor vehicle, for hire, for the transportation of lumber and lumber by-products from Hubbard Park Sawmill, 18 miles north of Paonia, to Paonia, Bowie,

Somerset, Hotchkiss and Delta, over U. S. Forest Service Trail to Paonia and state highways from Paonia to destinations aforementioned, with back haul of supplies to said sawmill.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. Danks

W. E. Danks

W. E. Danks

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
H. C. STEPHENSON, DOING BUSINESS AS)
STEPHENSON PRODUCE COMPANY, FOR A)
CLASS A PERMIT TO OPERATE AS A PRI-)
VATE CARRIER BY MOTOR VEHICLE, FOR)
HIRE, FOR THE TRANSPORTATION OF FARM)
PRODUCE BETWEEN WRAY AND DENVER,)
COLORADO, BUT NO INTERMEDIATE POINTS.)

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APPLICATION NO. 3274-PP.

July 21, 1936

Appearances: Mr. H. C. Stephenson, Wray, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association
and for Leamon Resler;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and for Wood Transfer Company.

S T A T E M E N T

By the Commission:

As limited by the evidence the applicant herein seeks authority to transport mill feeds and flour from Berthoud, Colorado to Wray, potatoes, fruit and grain from farms in the Denver-Loveland-Greeley district to Wray on irregular service.

It appeared that the applicant has a two-ton, 1935 Diamond T truck, that he conducts a produce store at Wray, utilizing his truck to haul his own freight under permit C-645, but at times during the last few years, when that section was affected with serious drouth conditions, the applicant had been called upon by many of his customers to transport back to Wray, the commodities above mentioned.

It appeared from the evidence that these hauls were from points not on the route of scheduled carriers now serving Wray, Colorado, and the applicant stated that he had no desire to compete against scheduled carriers and had no desire to serve intermediate points between the irrigated area, - Denver - Greeley and Wray, Colorado.

Upon this statement, those appearing at the hearing withdrew objections to the issuance of a permit.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that as limited at the hearing, a Class B permit should be issued.

O R D E R

IT IS THEREFORE ORDERED, That H. C. Stephenson of Wray, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle, for hire, for the transportation in irregular service, of mill feeds and flour from Berthoud, Colorado and potatoes, grain and fruit from farms in the Denver-Loveland-Greeley district to Wray, Colorado, for customers residing at Wray, provided, however, that the applicant will not engage in any transportation service of a competitive character between points along the line of scheduled common carriers now serving Wray, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. W. Danks

W. Danks

W. Danks
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM WILSON.)

CASE NO. 1689

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-444 should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance and for his failure to file a list of his customers.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent filed the required insurance and his list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. L. Hawks
Wm. Erickson
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

* * * *

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S T A T E M E N T

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-445 should not be suspended or revoked for his failure to file with the Commission a list of his equipment and customers.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

IT IS THEREFORE ORDERED, That private permit No. A-445, heretofore issued to J. B. Leasure, be, and the same is hereby, cancelled.

Edward D. Baker
Wm. Danks
Tracy Quinn

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

CASE NO. 1691

July 21, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-457 should not be suspended or revoked for his failure to file a list of his customers as required by our rules and regulations.

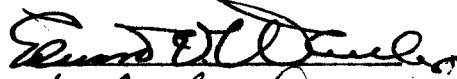

The evidence disclosed that prior to the hearing on said matter but subsequent to issuance of show cause order, respondent filed his list of customers.


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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL A. RODDA.)

CASE NO. 1692

July 21, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-460 should not be suspended or revoked for his failure to comply with the law and our Rules and Regulations in the following particulars, to-wit: No insurance, list of customers or list of equipment filed, and no reports filed or tax paid since September, 1934.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-460, heretofore issued to Carl A. Rodda, should be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wines
W. C. Danks
Wm. L. Smith

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK PLESS.)
-----)

CASE NO. 1693

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-470 should not be suspended or revoked for his failure to file a list of his customers and the necessary insurance policy or surety bond as required by law and our Rules and Regulations.

The evidence disclosed that prior to hearing on said matter, but subsequent to issuance of show cause order, respondent had filed the required insurance and a list of his customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. L. Danks
Wm. H. Hiron
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALICE M. AND W. J. DURAY.)

CASE NO. 1694

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondents to show cause why their private permit No. A-489 should not be suspended or revoked for their failure to make reports and pay highway compensation tax for the year 1935 and to July 1, 1936, and for their failure to file a list of their customers and equipment and the necessary insurance required by law and our rules and regulations.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-489, heretofore issued to Alice M. and W. J. DuRay, should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel H. Danks
W. E. Danks
Maureen C. Wilson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ELAINE BACHELOR AND W. J. DURAY.)

CASE NO. 1695

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondents to show cause why their private permit No. A-491 should not be suspended or revoked for their failure to make reports and pay highway compensation taxes for the year 1935 and to July 1, 1936, and for failure to file lists of their customers and equipment and the necessary insurance required by law and our Rules and Regulations.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-491, heretofore issued to Elaine Bachelor and W. J. DuRay, should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Deane
W. C. Danks
William E. Eversom
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
McGREGOR TRANSFER AND STORAGE) CASE NO. 1696
COMPANY.)

July 23^d 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why its private permit No. A-502 should not be suspended or revoked for its failure to make reports and pay highway compensation tax for the year 1935 and to July 1, 1936, and for failure to file a list of their customers and equipment and keep on file the necessary insurance required by law and our rules and regulations.

The evidence disclosed that the above delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-502, heretofore issued to McGregor Transfer and Storage Company, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
W. E. Danks
Maureen E. Wilson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THE DUMP, INC.) CASE NO. 1698
-----)

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-507 should not be suspended or revoked for failure of respondent to file insurance, list of customers, description of equipment, and to make monthly reports and pay highway compensation from July 1933 to date.

The evidence disclosed that on July 13, 1936, prior to the hearing on said matter, a letter was received from respondent requesting cancellation of said permit.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-507, heretofore issued to The Dump, Inc., should be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. L. Danks
Malcolm H. Brown

Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OVID M. LUDLOW.)

CASE NO. 1699

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause by his private permit No. A-509 should not be suspended or revoked for his failure to file with the Commission a list of his customers.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent had filed a list of his customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane
W. L. Danks
Maun Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES E. TILLOTSON.)

CASE NO. 1700

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-524 should not be suspended or revoked for his failure to make reports and pay highway compensation tax, keep on file the necessary insurance, and file a list of his customers and description of his equipment.

The evidence disclosed that on July 9, 1936, the Commission received a letter from respondent stating that he was not operating and requesting cancellation of his permit.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-524, heretofore issued to James E. Tillotson, be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Decker
W. E. Danks
Mauro E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. ANDREW ECKERT.)

CASE NO. 1701

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-534, heretofore issued to him, should not be suspended or revoked for his failure to file a list of his customers and description of his equipment as required by the rules and regulations of this Commission.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent file his list of customers and description of his equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. L. Danks
Wm. Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. W. ROWDEN.)

CASE NO. 1702

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-552 should not be suspended or revoked for his failure to file a list of his customers and description of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-552, heretofore issued to G. W. Rowden, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dea
W. J. Danks
Wm. B. Pincum
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

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(Decision No. 8063)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PAUL BOCKMAN FOR A CLASS A)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3321-PP.

IN THE MATTER OF THE APPLICATION)
OF A. BOCKMAN FOR A CLASS A)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3322-PP.

IN THE MATTER OF THE APPLICATION)
OF W. M. THOMAS FOR A CLASS A)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3323-PP.

July 23, 1936 .

Appearances: Paul Bockman, Fort Collins, Colorado,

pro se;

A. Bockman, Fort Collins, Colorado,

pro se;

W. M. Thomas, Fort Collins, Colorado,

pro se;

Zene D. Bohrer, Esq., Denver, Colorado,

for Motor Truck Common Carriers

Association and McMillan Transfer;

Marion F. Jones, Esq., Longmont, Colorado,

for the Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above styled parties respectively filed applications for Class A permits to severally operate as private carriers by motor vehicle for hire for the transportation of lumber and ties from lumber mills located at Elk Unit to Drake, Fort Collins, Wild Spur, Masonville and Loveland.

The applications were set for hearing at Fort Collins on July 7, 1936, at 1:30 o'clock P.M. and after being consolidated for

hearing by consent of parties were heard upon the verified applications of applicants which were admitted in evidence in their behalf.

Thereupon, protestants withdrew objections to issuance of permits and consented that said permits, as limited, might issue to the respective applicants.

After a careful consideration of the record, the Commission is of the opinion and finds that Paul Bockman, A. Bockman and W. M. Thomas should be granted Class A private permits to operate as private carriers by motor vehicle for hire as requested.

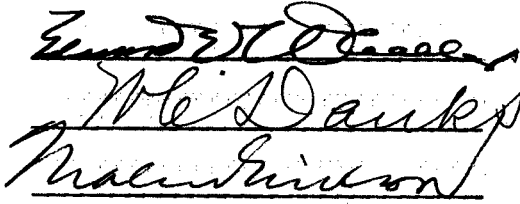
O R D E R

IT IS THEREFORE ORDERED, That Paul Bockman, A. Bockman and W. M. Thomas should be, and they are hereby, severally authorized to operate as Class A private carriers by motor vehicle for hire for the transportation of lumber and ties for National Creosoting Company (A. Bockman, contractor) only, from mill located at Elk Unit to Drake, Fort Collins, Wild Spur, Masonville and Loveland, without authority to add to the number of their customers under their respective permits, except upon special permission of the Commission.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permits herein provided for, the permits herein granted to become effective only if and when, but not before, applicants have filed a list of their customers and the required insurance and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER F. RHOADS.)

CASE NO. 1703

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-557 should not be suspended or revoked for his failure to file monthly reports and pay highway compensation tax, keep on file with the Commission the necessary insurance, and file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-557, heretofore issued to Walter F. Rhoads, be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. E. Danks
Wm. H. Hinson

Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MAUD V. OLSON.)

CASE NO. 1704

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-558 should not be suspended or revoked for her failure to make monthly reports and pay highway compensation tax, keep on file with the Commission the required insurance, and file her list of customers and description of equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-558, heretofore issued to Maud V. Olson, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Green

McDauks

Maam Erickson

Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

CONTROL-11

(Decision No. 8066)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE H. ERICKSON.)

CASE NO. 1705

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-561 should not be suspended or revoked for his failure to file with the Commission a list of his customers and description of his equipment.

The evidence disclosed that prior to the hearing on said matter but subsequent to issuance of the show cause order, respondent filed his list of customers and a description of his equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker
W. E. Danks
Maer Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF A. L. AND CLYDE BEESON.)

CASE NO. 1706

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondents to show cause why private permit No. A-562, heretofore issued to A. L. and Clyde Beeson, should not be suspended or revoked for their failure to file with the Commission a list of their customers and description of their equipment.

It now appears that said permit heretofore has been revoked in Decision No. 6944, dated December 21, 1935, and that respondents are now operating under a certificate of public convenience and necessity.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock

McDanks

Wm. S. Smith

Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. J. THOMAS.)

CASE NO. 1707

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-565 should not be suspended or revoked for his failure to make reports and pay highway compensation taxes from March, 1935, to July 1, 1936, keep on file with the Commission the required insurance, file a list of his customers and a description of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-565, heretofore issued to J. J. Thomas, should be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
W. C. Danks
Walter E. Danks
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

Control 8

(Decision No. 8070)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM M. EDWARDS.)

CASE NO. 1708

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-566 should not be suspended or revoked for his failure to file with the Commission a list of his customers and a description of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-566, heretofore issued to William M. Edwards, should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock

McDanks

Maen, Sirkaw

Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

CONTROL 79

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLINTON S. FUNK, DOING BUSINESS) CASE NO. 1709
AS ANDERSON TRUCK LINE.)

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-570 should not be suspended or revoked for his failure to make monthly reports, file a list of his customers and description of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and finds that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-570, heretofore issued to Clinton S. Funk, doing business as Anderson Truck Line, should be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. [Signature]
W. C. Danks
Wm. E. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

CONTROL
CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 1710

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-572 should not be suspended or revoked for his failure to make monthly reports, file the necessary insurance and a description of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied. It also appears that respondent called at the office of the Commission subsequent to issuance of said show cause order and requested cancellation of his permit.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-572, heretofore issued to R. A. Whiteside, should be, and the same hereby is cancelled:

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Duggan
W. C. Danks
Maureen E. Duggan
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

CASE NO. 1711

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-577 should not be suspended or revoked for his failure to file a list of his customer and description of his equipment.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of the show cause order, respondent filed his list of customers and description of his equipment.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed, with a warning to respondent that in future he must be more prompt in complying with the law and Rules and Regulations of the Commission.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels
W. E. Danks
Wm. Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

CONTROL 114

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN DEINES, JR.)

CASE NO. 1712

July 23, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-578 should not be suspended or revoked for his failure to file with the Commission a list of his customers and description of his equipment.

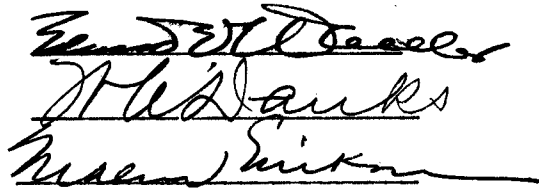
The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-578, heretofore issued to John Deines, Jr., should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 23rd day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 1713

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-579 should not be suspended or revoked for his failure to file with the Commission a list of his customers and description of his equipment.

The evidence disclosed that prior to hearing on the above matter but subsequent to issuance of show cause order, respondent satisfied the above delinquencies, and the Commission is of the opinion, and finds, that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. E. Danks
Maureen E. Simon
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID BURGAN.)

CASE NO. 1714

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-580 should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance required by law, and for failure to file a list of his customers and description of his equipment.

The evidence disclosed that prior to hearing on said matter, but subsequent to issuance of show cause order, respondent had satisfied all of said delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. E. Danks
William E. Sisk
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES A. DYE.)

CASE NO. 1715

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-582 should not be suspended or revoked for his failure to file with the Commission a list of his equipment and list of his customers.

The evidence disclosed that prior to hearing on said matter but subsequent to issuance of show cause order, respondent had satisfied all of said delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. FLORENCE HART.)

CASE NO. 1716

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why her private permit No. A-585 should not be suspended or revoked for her failure to file with the Commission a list of her customers and description of her equipment.

The evidence disclosed that prior to hearing on said matter, but subsequent to issuance of show cause order, respondent had satisfied all of said delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Emmett Deneen
W. E. Danks
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. C. GIBSON.)

CASE NO. 1717

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-586 should not be suspended or revoked for his failure to file with the Commission a list of his customers.

The evidence disclosed that prior to hearing on said matter, but subsequent to issuance of show cause order, respondent had filed his list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. L. Danks
William E. Gibson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
F. A. MATHEWS.)

CASE NO. 1718

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-588 should not be suspended or revoked for his failure to file with the Commission a list of his customers and description of his equipment.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent had satisfied the above delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of July, 1936.

Wm. E. Danks
Wm. E. Danks
Wm. E. Danks
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OTTO ZURCHER.)

CASE NO. 1719

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-590 should not be suspended or revoked for his failure to file with the Commission a list of his customers.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent had filed said list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. E. Danks
Mauro Wilson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. L. BRUSH.)

CASE NO. 1720

July 24, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-592 should not be suspended or revoked for his failure to file monthly reports, keep on file with the Commission the necessary insurance required by law and file a list of his customers.

The evidence disclosed that the above mentioned delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-592, heretofore issued to J. L. Brush, be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
J. H. Danks

Wm. S. Sisk
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL MUMME .)

CASE NO. 1721

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-595 should not be suspended or revoked for his failure to file with the Commission a list of his customers and description of his equipment.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent satisfied the above delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
W. C. Danks
Walter S. Quinn
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. T. MCCALLISTER.)

CASE NO. 1722

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-596 should not be suspended or revoked for his failure to file reports, keep on file with the Commission the required insurance, and also for failure to file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-596, heretofore issued to L. T. McCallister, be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock

W. C. Danks

Maureen L. Hirsch
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FARMERS COOPERATIVE ASSOCIATION.)

CASE NO. 1756

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why its private permit No. A-715 should not be suspended or revoked for its failure to file a list of customers and a description of its equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-715, heretofore issued to Farmers Cooperative Association should be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. L. Danks
Walter J. Dink
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOMER AND IRENE WRIGHT.)

CASE NO. 1757

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondents to show cause why their private permit No. A-72³, heretofore issued to them, should not be suspended or revoked for their failure to keep on file with the Commission the necessary insurance and file a description of their equipment.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondents filed the required insurance and a description of their equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. E. Danks

Mac E. E. E.

Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. S. STEPHENSON.)

CASE NO. 1773

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-811 should not be suspended or revoked for his failure to file monthly reports and pay highway compensation tax, and for his failure to file the required insurance, his list of customers and description of equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-811, heretofore issued to W. S. Stephenson, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones

W. S. Dicks

Robert E. Smith

Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. C. FEARNOW.)

CASE NO. 1760

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his interstate private permit No. A-728-I should not be suspended or revoked for his failure to file the required insurance and a description of his equipment.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent satisfied the above mentioned delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
W. D. Wicks
W. E. Finson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ORA N. PUTNAM.)

CASE NO. 1761

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-730 should not be suspended or revoked for his failure to file a list of his customers and a description of his equipment.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of show cause order, respondent filed his list of customers and description of his equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
McDauks
Max E. Wilson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. W. HARMON.)

CASE NO. 1762

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-734 should not be suspended or revoked for his failure to file reports and pay highway compensation taxes, keep on file with the Commission the necessary insurance policy or surety bond, and file with the Commission a list of his equipment and description of his equipment.

The evidence disclosed that the above mentioned delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-734, heretofore issued to R. W. Harmon, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel J. [Signature]
McDuck
Richard [Signature]
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. GREENFIELD.)

CASE NO. 1763

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-735 should not be suspended or revoked for his failure to file with the Commission the required insurance and a description of his equipment.

The evidence disclosed that prior to the hearing on said matter, but subsequent to issuance of the show cause order, respondent had filed the necessary insurance and furnished a description of his equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
W. Danks
Neale [Signature]

Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MAUFF BROTHERS.)

CASE NO. 17649

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
For the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondents to show cause why their private permit No. A-747 should not be suspended or revoked for their failure to make monthly reports since December, 1934, keep on file with the Commission the required insurance and file a list of their customers and description of equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-747, heretofore issued to Mauff Brothers, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien
W. D. Danks
W. E. Hinson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. W. CARSON.)

CASE NO. 1765

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-749 should not be suspended or revoked for his failure to make monthly reports and pay highway compensation tax since July, 1934, and for his failure to file a list of his customers, the required insurance and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-739, heretofore issued to W. W. Carson, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
W. E. Danks
W. W. Carson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARLE G. THOMPSON.)

CASE NO. 1766

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-753 should not be suspended or revoked for his failure to make monthly reports since April, 1935, and for his failure to file the necessary insurance, his list of customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-753, heretofore issued to Earle G. Thompson, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane
W. L. Danks
Wm. H. Henson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

CONTROL

(Decision No. 8095)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. W. McAFERTY.)

CASE NO. 1767

July 24, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-757 should not be suspended or revoked for his failure to make monthly reports since July, 1934, keep on file with the Commission the required insurance, file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-757, heretofore issued to F. W. McAferty, be, and the same is hereby cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
Miss [Signature]
Maureen [Signature]
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE O'NEIL.)

CASE NO. 1768

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-770 should not be suspended or revoked for his failure to make monthly reports, keep on file with the Commission the necessary insurance, file a list of his customers and a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-770, heretofore issued to Lee O'Neil, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deere
W. D. Danks
Wm. Erickson
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

CONTROL

(Decision No. 8097)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

** * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. G. WETHERILL.)

CASE NO. 1769

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-772 should not be suspended or revoked for his failure to make monthly reports since November, 1935, keep on file with the Commission the required insurance, file a list of his customers and a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-772, heretofore issued to T. G. Wetherill, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. L. Danks

Wm. E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

CONTROL
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(Decision No. 8098)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
S. M. FORSYTH.)

CASE NO. 1770

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-782 should not be suspended or revoked for his failure to file with the Commission the necessary insurance, a list of his customers and description of his equipment.

The evidence disclosed that prior to date of hearing on said matter, but subsequent to issuance of show cause order, respondent had satisfied all of the above mentioned delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [unclear]
W. H. [unclear]
W. H. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

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(Decision No. 8099)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. P. DISNER.)

CASE NO. 1771

July 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-791 should not be suspended or revoked for his failure to make monthly reports, keep on file with the Commission the required insurance, file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-791, heretofore issued to J. P. Disner, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene J. Wheeler
W. L. Parker
Malcolm B. Givens
Commissioners.

Dated at Denver, Colorado,
this 24th day of July, 1936.

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CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MRS. EDNA TEGTMAN, DOING BUSINESS AS
TEGTMAN COAL COMPANY, FOR A CLASS A
PERMIT TO OPERATE AS A PRIVATE CARRIER
BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 3303-PP

July 25, 1936

Appearances: Edna Tegtman, 1431 16th Ave., Greeley,
Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Associa-
tion and Northeastern Motor Freight,
Weicker Transportation Company, Con-
solidated Motor Freight, Fuller Truck
Line, Woods Truck Line, Leamon Resler,
Union Delivery Company, McKee Truck Line,
Overland Motor Freight, Colorado Rapid
Transit, Lyons and Thompson Truck Line,
Inter-City Truck Line, Milliken-Johnstown
Truck Line, Denver-Loveland Transport and
Miner Transportation Company;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association and
Jefferes Auto Company.

S T A T E M E N T

By the Commission:

Applicant, Edna Tegtman, doing business as Tegtman Coal Company,
herein seeks authority to operate as a Class A intrastate and interstate pri-
vate carrier by motor vehicle for hire. Her proposed interstate operations
contemplate the transportation of flour from points on the Colorado-Nebraska
state line where it is intersected by U. S. Highways Nos. 138 and 6 and Colo.
State Highway No. 54 and a point on the Colorado-Kansas State line where it is
intersected by U. S. Highway No. 36, to Sterling, Fort Morgan, Brush and Greeley,
over U. S. Highways Nos. 138, 6 and 36, and Colo. State Highways Nos. 54 and
51, and the transportation of farm products from points within a radius of 10
miles of Greeley to said points and to a point on the Colorado-Wyoming state
line where it is intersected by U. S. Highway No. 85. Her intrastate opera-
tions contemplate the transportation of farm products from points within a
radius of 10 miles of Greeley, Colorado to Greeley, and the transportation of

farm produce, (watermelons, potatoes, etc.,) from Greeley and points within the aforesaid area to Denver.

Protestants opposed that part of applicant's contemplated operation which involves the transportation of farm produce consisting chiefly of watermelons, potatoes, etc. from Greeley and points in the aforementioned area to Denver, and the evidence offered in support of said objection showed that said proposed operation will impair the efficiency of the Weicker Transportation Company and motor vehicle common carriers which are now operating between the same points.

After a careful consideration of the record, the Commission is of the opinion and finds that the motor vehicle common carrier service of the Weicker Transportation Company between Denver and Greeley is adequate and that the proposed operation of applicant between Denver and Greeley will impair the efficiency of said service and that authority for said operation should be denied; further, that permit should be granted for the other service as outlined and proposed by applicant.

O R D E R

IT IS THEREFORE ORDERED, That application of Edna Tegtman, doing business as Tegtman Coal Company, for authority to operate as a Class A private carrier by motor vehicle for hire between Denver and points (including Greeley) within a radius of 10 miles of Greeley should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That the said Edna Tegtman, doing business as Tegtman Coal Company, should be, and she hereby is, authorized to operate as an interstate private carrier by motor vehicle for hire for the transportation of flour from points on the Colorado-Nebraska state line where it is intersected by U. S. Highways Nos. 138 and 6 and Colo. State Highway No. 54 and a point on the Colorado-Kansas state line where it is intersected by U. S. Highway No. 36, to Sterling, Fort Morgan, Brush and Greeley, over U. S. Highways Nos. 138, 6 and 36 and Colorado State Highways Nos. 54 and 51, and the transportation of farm products from points within a radius of 10 miles of Greeley to said points on the Colorado- Nebraska and Colorado-Kansas lines and

a point on the Colorado-Wyoming state line where it is intersected by U. S . Highway No. 85, said permit to issue subject to the provisions of the Federal Motor Carrier Act of 1935 and to bear the same number, followed by the Letter "I", as the intrastate private permit herein granted.

IT IS FURTHER ORDERED, That said Edna Tegtman, doing business as Tegtman Coal Company, should be, and she hereby is, authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation to Greeley of farm products (excluding livestock) from points within a radius of 10 miles of Greeley.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. E. Danks

W. E. Danks

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF N. R. JACKSON FOR A CLASS "A")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 2992-PP

July 25, 1936

S T A T E M E N T

By the Commission:

On February 26, 1936, the Commission entered its order in the above entitled matter, granting certain authority to applicant to operate as a Class A private carrier. In the application filed by applicant, authority was requested to make occasional trips to Sterling, Colorado, for the transportation of farm products, including live stock, from the area applicant desired to serve.

In the order issued, authority to transport farm products, including livestock, from said area, was limited to Denver, and we have now been requested by applicant to amend our order to conform to his application.

An examination of the record discloses that applicant failed to mention Sterling in his testimony and his explanation of this failure is the statement that he did not think it necessary because it was included in his application.

We have contacted the representatives of the protestants who appeared at said hearing, and they have no objection to the inclusion of Sterling in said order.

After a careful consideration of the matter, the Commission is of the opinion, and so finds, that said order of February 20, 1936, should be amended, effective as of February 26, 1936, as requested by applicant.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission dated February 26, 1936, Decision No. 7278, should be, and the same is hereby,

amended, nunc pro tunc, to include the right to transport farm products only, including live stock, from farms in the area described in the original order, to-wit: Extending 6 miles east and west, 12 miles north and 4 miles south of the present farm residence of applicant, which is situate 4 miles east and north of Akron, Colorado, to Sterling, Colorado.

IT IS FURTHER ORDERED, That except as herein changed and modified, said original order of February 26, 1936, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Lamm
W. C. Danks

Miss E. E. Lamm
Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF VERNE S. PERRINE FOR AUTHORITY
TO TRANSFER HIS CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
NO. 418, TO C. N. LAVELETT.

APPLICATION NO. 1445-A

July 25, 1936

Appearances: Verne S. Perrine, Monument, Colorado,
pro se;
C. N. Lavelett, Monument, Colorado,
pro se;
J. F. Rowan, Denver, Colorado, for the
Motor Truck Common Carriers Assn;
Marian F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Assn;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

In the instant application Verne S. Perrine, the holder of Certificate No. 418, heretofore issued to him in Application No. 1445, joins with C. N. Lavelett for authority to transfer his said certificate.

It appeared at the hearing that Perrine has conducted an operation under said certificate from the time it was issued, September 27, 1929, between a 15-mile radius around Monument, Colorado and to Denver and Colorado Springs as set forth in said certificate; that the transferee, Lavelett, proposes to conduct a similar operation under this certificate if the transfer is made.

The testimony disclosed that there were no outstanding obligations as a result of the operations under this certificate and the financial standing and reliability of the transferee were established to the satisfaction of the Commission. Upon this showing there was no objection to the authority being granted.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority should be granted to

Verne S. Perrine to transfer his Certificate No. 481 to C. N. Lavelett.

O R D E R

IT IS THEREFORE ORDERED, That Verne S. Perrine, be, and he hereby is authorized to transfer all of his right, title and interest in and to Certificate No. 418, heretofore issued in Application No. 1445, to C. N. Lavelett.

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

IT IS FURTHER ORDERED, That this transfer shall not become effective until the transferee shall have on file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Lavelett

W. E. Drury

W. E. Drury

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

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(Decision No. 8104)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF OTTO ZURCHER FOR AN EXTENSION)
OF HIS PRIVATE PERMIT NO. A-590)
TO INCLUDE THE RIGHT TO TRANSPORT)
FREIGHT FROM AND TO THE COLORADO)
STATE LINE TO AND FROM ALL POINTS)
IN THE STATE OF COLORADO.)

INTERSTATE PRIVATE PERMIT NO. A-590

July 25, 1936

S T A T E M E N T

By the Commission:

On January 5, 1935, Interstate Private Permit No. A-590 issued to Otto Zurcher for the operation of a freight service "between Denver and Colorado-Nebraska state line, via U. S. Highways Nos. 85, 138 and 38, and all intermediate points".

He now seeks authority to extend his said permit to include the right to transport freight from and to the Colorado state line to and from all points in the State of Colorado.

After a careful consideration of the record, the Commission is of the opinion and finds that said application, subject to the provisions of the Federal Motor Carrier Act of 1935, should be granted, said permit hereafter to be known as "Private Permit No. A-590-I."

O R D E R

IT IS THEREFORE ORDERED, That Interstate Private Permit No. A-590, heretofore issued to Otto Zurcher, should be, and hereby is, extended to include the right to transport freight in interstate commerce only from and to the Colorado state line to and from all points in the State of Colorado, subject to the provisions of the Federal Motor Carrier Act of 1935, said permit

hereafter to be known as "Interstate Private Permit No. A-590-I."

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

McDauks

Walter E. Simon

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

B

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF R. L. DOWELL FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3296-PP.

July 25, 1936

Appearances: R. L. Dowell, Mack, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc;
Marion F. Jones, Esq., Longmont,
Colorado, for Colorado Trucking
Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products from farms within a radius of 50 miles of Mack, Colorado to railroad loading points in said area.

Protestants withdrew objections to the issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That R. L. Dowell, of Mack, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by Motor vehicle for hire, for the transportation of farm products, including live stock, from farms within a radius of 50 miles of Mack, Colorado to railroad loading points in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steele

McDauks

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Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

Dismissed

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RIO GRANDE MOTOR WAY, INC.,)
A Corporation,)
Complainant,)
vs.)
J. B. MOORE,)
Respondent.)

CASE NO. 1609.

July 25, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mr. T. R. Woodrow, which states: "On behalf of Rio Grande Motor Way, Inc. I respectfully request the Commission to dismiss the above entitled case."

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

McDauks

Wm. E. Wilson

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
T. I. GRIFFITH, BLANCA, COLO. FOR A
CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 3312-PP

July 25, 1936

Appearances: T. I. Griffith, Blanca, Colorado,
pro se;
Mr. A. J. Fregeau, Denver, Colorado, for
Motor Truck Common Carriers Assn; and
for Pueblo-San Luis Valley Transp. Co;
M. F. Jones, Esq., Longmont, Colo., for
Colorado Trucking Assn. and Barker Bros;
T. A. White, Esq., Denver, Colorado, for The
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport farm products from farms within a radius of six miles of Blanca, Colorado to packing sheds therein and to mills at San Luis and Alamosa, United States mail between Blanca and Jarosa and ice from storage to sheds at Blanca and Fort Garland packing houses.

It appears that the applicant has a Class C permit under which he operates a 1936 Ford V-8, is the owner of a filling station and other property and during the harvest season desires to render farm service, and at times during the year when there is trouble on the San Luis Valley Southern Railroad Company line between Blanca and Jarosa, he desires authority to go to any point where the train service is interrupted and move the United States mail for the railroad company. This seems to be a frequent trouble on this railroad.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that as limited by the evidence given at the hearing, the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That T. I. Griffith of Blanca, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products from point to point within a radius of six miles of Blanca, Colorado, and to mills at San Luis and Alamosa; ice from storage to Blanca and Fort Garland packing houses; and light freight and express from points for and along the line of the San Luis Valley Southern Railroad Company's line between Blanca and Jarosa at any time there is interruption or break-down of said railroad service. This order shall be authority for the operation above set forth.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. E. Danks

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

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(Decision No. 8110)

Handwritten notes and stamps: "a-53", "mm", "18", "19", and a circled "18".

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
RAY C. BEANBLOSSOM TO TRANSFER PERMIT
NO. A-837, WHICH AUTHORIZES TRANSPOR-
TATION BETWEEN DENVER AND COLORADO-
KANSAS STATE LINE AND ALL INTERMEDIATE
POINTS VIA U.S. 85, U.S. 6, COLO. 54
OR VIA CUT-OFF ON COLO. 81 AND OTHER
ROUTES, TO H. F. KERST AND GERALD M.
GISI, DOING BUSINESS AS K & G TRUCK
LINE, YUMA, COLORADO.

APPLICATION NO. 3288-PF-A

July 25, 1936

- Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicants;
J. F. Rowan, Denver, Colorado, for The
Motor Truck Common Carriers Assn;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

On September 1, 1934, Permit A-837 was regularly issued to Ray C. Beanblossom of Yuma, Colorado, with authority to engage in the transportation business between Denver and the Colorado-Kansas line and all intermediate points via U. S. 85, U. S. 6, Colo. 54, or via cut-off on Colo. 81.

In the instant application the holder of said permit seeks authority to transfer the same to H. F. Kerst and Gerald M. Gisi, doing business as K & G Truck Line of Yuma, Colorado. It appeared from the testimony given at the hearing, that Beanblossom has been conducting an operation under the above named permit, at all times since its issuance; that the transferees have a C permit and have been in the trucking business in the Yuma country for some time; that they possess two Dodge trucks and one Chevrolet and in addition to this, are the owners of other property; Kerst testified that the consideration to be paid to the transferor is \$100.00; that he and Gerald M. Gisi are partners, and each would have a one-half interest in the trucking operations if the transfer is granted. A written request was presented to eliminate H. F.

Kerst as a transferee and partner, which was signed by Beanblossom and Gisi.

It appeared that as yet a new list of customers had not been filed but Swift and Company, George Turner, John McBurg and A. T. Hisson would be his principal customers should this transfer be allowed.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that transferee Gisi is financially able to conduct the operation and that no outstanding obligations remain unpaid as a result of the previous operation under this permit by the transferor and that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Ray C. Beanblossom be, and he hereby is, granted authority to transfer all of his right, title and interest in and to Permit No. A-837, heretofore issued to him in Application No. 3288-PP, to Gerald M. Gisi, but should H. F. Kerst desire to claim a right to be included as one of the transferees, at any time within twenty days from the date hereof, his claim will be heard and such right allowed if found to be justified.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Danks

W. C. Danks

Wm. E. Hisson
Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
SHIRLEY AND VENRICK TO TRANSFER CER-
TIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY NO. 665 TO LEAMON RESLER
DOING BUSINESS AS THE RESLER TRUCK
LINE AND TO EXTEND SAID CERTIFICATE TO
INCLUDE A TERRITORY ELEVEN MILES EAST,
WEST AND SOUTH OF ANTON, COLORADO, AND
AS FAR NORTH AS THE BASE LINE IN
WASHINGTON COUNTY, COLORADO, AND TO
INCLUDE THE TRANSPORTATION OF ALL
FREIGHT AND EXPRESS IN SAID TERRI-
TORY.

APPLICATION NO. 2054-A

July 25, 1936

Appearances: Samuel Chutkow, Esq., Denver, Colorado,
for applicants;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Assn;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn.

S T A T E M E N T

By the Commission:

The application filed herein seeks authority for the transfer of certificate of public convenience and necessity No. 665; for the extension of the territory to be served under this certificate after transfer and to increase the commodities to be transported; and for authority to conduct the operation transferred under certificate No. 460.

It appears from the record that on January 27, 1936, in Application No. 2054, the Commission entered an order suspending the operations under certificate No. 665, for a period of six months from and after January 11, 1936, with the provision that the applicants might at any time prior to said July 11, 1936, resume operations upon complying with all laws, rules and regulations governing common carriers by motor vehicle, which period has not as yet expired. Petitioners J. R. Shirley and H. K. Venrick, doing business as Shirley and Venrick, a partnership, seek authority to transfer all of their right, title and interest in and to certificate No. 665, to Leamon Resler, doing business as the Resler Truck Line. In this connection there appears to

be no outstanding obligations as a result of the operations conducted under the certificate and that Leamon Resler, the transferee, is an experienced operator and financially able to conduct the operations under said certificate, should authority be given to transfer the same.

Resler states that he has had numerous calls to render service, not only in the area heretofore served under certificate No. 665, but in the adjoining areas, from store-keepers and farmers residing therein and that in order to properly serve these applicants he desires to have the area extended so that it would cover a territory eleven miles south, eleven miles east and eleven miles west of Anton, Colorado, and north to the base line, a distance of approximately eighteen miles; and in addition thereto he is desirous of having said certificate extended to permit the hauling of any and all types of commodities, including livestock and farm products between points in said territory and Denver, Colorado; that applicant Resler proposes to establish a bi-weekly service between the above described area and Denver and seeks authority to make the trips either over U. S. Highways 36 and 40, between said territory and Denver or via U. S. Highway 85, State Highways 54 and 63, thereby coupling up the service to the above described area with that area heretofore served by Resler.

J. R. Shirley, Anton, Colorado, stated that they had stores at four places; Thurman, Anton, Willowdale and Harrisburg, and that the service of Resler in connection with these stores on a bi-weekly service would be highly satisfactory and that in addition to the service at the stores, numerous ranchers in the area, some being in the area included in the extension, wanted a farm service, particularly livestock, farm products and express, with a back haul of mill products and that in his opinion there was a public need for the extension as sought for Certificate No. 665.

It appears from the record that Leamon Resler possesses the following:

1. Certificate No. 460, giving him authority to serve between Otis and an area around that town and Denver, for the transportation of freight generally,
2. Certificate No. 462, which authorizes a service between Yuma and Eckley, and Denver, for the transportation of freight generally,

3. With the acquisition of certificate No. 665, with authority to serve between Anton and the area hereinbefore described around this town and Denver via Highway 36, also via Akron and Fort Morgan, for the transportation of freight and express.

The applicant Resler herein requests that all of his authority abovementioned be consolidated, with authority for him to conduct all of his operations under certificate No. 460, in order to simplify bookkeeping and reports.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority should be granted to transfer certificate No. 665 as requested; that the public convenience and necessity require the enlargement of the area to be served around Anton as set forth in the testimony; and that all of the operations of Leamon Resler conducted under certificates of public convenience and necessity should be united under certificate No. 460.

O R D E R

IT IS THEREFORE ORDERED, That J. R. Shirley and E. K. Venrick, be, and they hereby are, authorized to transfer all of their right, title and interest in and to certificate No. 665 to Leamon Resler; and that the public convenience and necessity require the proposed extended operations around Anton, Colorado, for the transportation of freight and express within an area extending eleven miles east, eleven miles south, eleven miles west and north of Anton to the base line, approximately eighteen miles.

IT IS FURTHER ORDERED, That certificate No. 460, authorizing the transportation of freight between the town of Otis and an area surrounding the town of Otis, extending nine miles east, twenty-two miles north, five miles west and thirty miles south, and Denver, Colorado; certificate No. 462, for the transportation of freight between Denver, Yuma and Eckley and surrounding areas; and certificate No. 665, authorizing the transportation of freight and express between Denver and the Town of Anton, and an area surrounding said town, extending eleven miles east, eleven miles south, eleven miles west and eighteen miles north thereof; be, and the same are hereby consolidated and the operation heretofore conducted under the several certificates shall be conducted under certificate numbered 460, and that this order shall be taken, deemed and held to be a certificate of authority for the foregoing.

IT IS FURTHER ORDERED, That certificate No. 665, suspended under order of the Commission, dated January 27, 1936, be, and the same is hereby, reinstated as of July 11, 1936.

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

IT IS FURTHER ORDERED, That this transfer shall not become effective until the transferee shall have on file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deuell

W. L. Danko

Malcolm E. Kirk

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JOHN VERBURG FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 3518-PP.

July 25, 1936

Appearances: A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Marion F. Jones, Esq., Longmont, Colo-
rado, for The Colo Trucking Association;
A. D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Ass'n;
and Elbert Truck Line;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

The above matter was set for hearing at Colorado Springs on July 10, 1936, after due notice thereof was sent to applicant. At the time said case was called, no appearance was made on behalf of applicant, but evidence was introduced by protestants to show that applicant had been present but stated that he did not care to remain any longer and had left the Hearing Room. Thereupon, it was moved that said application be dismissed for lack of prosecution.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 25th day of July, 1936.

E. J. O'Connell

W. L. Davis

W. L. Davis
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
W. R. CUNNINGHAM, DOING BUSINESS AS)
CUNNINGHAM OIL TRANSPORT, FOR AN) INTERSTATE PRIVATE PERMIT NO. A-972.
EXTENSION OF HIS PRIVATE PERMIT NO.)
A-972.)

July 28, 1936

S T A T E M E N TBy the Commission:

On July 29, 1935, Interstate Private Permit No. A-972 issued to W. R. Cunningham, doing business as Cunningham Oil Transport. Thereunder, permittee was authorized to transport petroleum products "between Gary, Colorado and Colorado-Kansas state line and intermediate points, via Colorado 71, Colorado 54, Colorado 51, Colorado 53 and U. S. 40-N; also via Limon, Colorado and via U. S. 6 to Sterling" in interstate commerce only.

Said W. R. Cunningham now seeks an extension and enlargement of said permit to include the transportation of petroleum products between Denver, Colorado and a point on the Colorado-Kansas state line where it is intersected by U. S. Highway No. 50 over said U. S. No. 50 and Colorado No. 85.

After a careful consideration of the record, the Commission is of the opinion and finds that said extension should be granted, said permit as extended to bear the number "A-972-I" and to issue subject to the provisions of the Federal Motor Carrier Act of 1935.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-972, heretofore issued to W. R. Cunningham, doing business as Cunningham Oil Transport, should be, and hereby is, extended and enlarged to include the right to transport petroleum products between Denver, Colorado and a point on the Colorado-Kansas state line where it is intersected by U. S. Highway No. 50 over said U. S. Highway No. 50 and U. S. Highway No. 85, in interstate commerce only, said permit as extended to be known as "Interstate Private Permit No. A-972-I" and to be issued subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Decker

W. C. Decker

Charles E. Decker

Commissioners.

Dated at Denver, Colorado
this 28th day of July, 1936.

F

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
A. J. BERWICK, DEL NORTE, COLORADO,)
FOR EXTENSION UNDER APPLICATION NO.)
3208-PP, DECISION NO. 7642, MAY 19,)
1936 TO INCLUDE TRANSPORTATION OF)
FARM PRODUCTS FROM FARMS TO MARKET.)

APPLICATION NO. 3208-PP-B.

July 28, 1936

Appearances: A. J. Berwick, Del Norte, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn,
and Pueblo-San Luis Valley Transporta-
tion Co;
M. F. Jones, Esq., Longmont, Colorado for
Colorado Trucking Assn., John Stickler
and Richard Postel;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way;
J. D. Blunt, Esq., Canon City, Colorado,
for the Southwestern Transportation Co.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks an extension to his milk route heretofore granted in Application No. 3208-PP, Decision No. 7642, to include in addition to the dairy products already authorized, farm products, (no livestock) and farm supplies between farms within a radius of 25 miles of Del Norte, Colorado, and storage and shipping docks at Del Norte.

It appeared that the applicant desired this added authority that he might assist in the movement of seasonal crops and upon the above statement being made, those appearing at the hearing withdrew all objections to the issuance of this authority.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the extended authority sought by the applicant should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Decision No. 7642 issued under date of May 19, 1936, insofar as the same applies to applicant A. J. Berwick of Del Norte

Colorado, be, and the same hereby is, amended to include the transportation of farm products (no livestock) and farm supplies, between farms within a radius of 25 miles of Del Norte, Colorado and shipping docks and storage at or near Del Norte, and this order shall be authority for such extended operations, no town to town authority being hereby granted.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. DeLoach
McDauks

Wm. E. Simon
Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

F

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THEODORE MAHER FOR A CLASS "A" PERMIT
TO OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE.

APPLICATION NO. 3310-PP

July 28, 1936

Appearances: T. A. White, Esq., Denver, Colo., for Rio
Grande Motor Way, Inc;
Mr. A. J. Fregeau, Denver, Colo., for The
Motor Truck Common Carriers Assn;
Marion F. Jones, Esq., Longmont, Colo.,
for Colorado Trucking Assn. and
John Betz.

S T A T E M E N T

By the Commission:

The above entitled matter was called for hearing, no one appearing on behalf of the applicant. A motion was made by Mr. Jones, representing John Betz and others that the application be dismissed for lack of prosecution which motion was taken under advisement.

On returning to Denver, a letter had reached the office on July 7, wherein the applicant explained his inability to be present, and his desire for the authority.

It appears from the record that the applicant seeks authority to transport concrete, steel, valves and other materials used in connection with the construction of the Taylor Dam, and that he will have but one customer, the contractors who hold the contract for the construction of this Dam.

It is understood that the Denver and Rio Grande Western Railroad has constructed a sidetrack, and the necessary loading and unloading platform, built especially for handling the materials consigned to the contractors of the Taylor Dam. There appears to be no objection to authority being granted to the applicant to transport such freight between Almont and the Taylor Dam.

After careful consideration of the record, the Commission is of the opinion that the motion to dismiss should be denied and that the applicant should be given authority to transport freight mentioned above, between Almont and the Taylor Dam site.

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss, made by protestants be, and the same is hereby denied, and that Theodore Maher, Almont, Colorado, be, and he hereby is granted a class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of cement, steel, valves and like construction material to be used in the construction of the Taylor Dam, between Almont, Colorado and the present Taylor Dam site, which service is to be rendered for the firms now holding the contract for the construction of the Taylor Dam, and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
J. R. MARKS AND RALPH STEVENSON,)
DOING BUSINESS AS J. R. MARKS TRUCK)
LINE, FOR AN EXTENSION OF THEIR)
PRIVATE PERMIT NO. A-692.)

APPLICATION NO. 3162-PP-A-B.

July 28, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

Under Permit No. A-692, applicants are now authorized to operate between Leadville and Colorado Springs (including other routes) via U. S. Highway No. 40, and they are seeking in the instant application an extension of said permit to authorize them to serve from Hartsel to Leadville, via Colorado Highway No. 90 to Dillon and Colorado Highway No. 91 Dillon to Leadville, including intermediate points.

The evidence disclosed that no common carrier service is now being rendered between points Hartsel and Leadville via said route. They propose to transport general merchandise.

The financial standing and ability of applicants to render this additional service were established to the satisfaction of the Commission.

No objections were interposed to the granting of said application.

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

O R D E R

IT IS THEREFORE ORDERED, That applicants, J. R. Marks and Ralph Stevenson, doing business as J. R. Marks Truck Line, of Colorado Springs, be, and they are hereby, authorized to extend their operations under Permit A-692 to include the transportation of general merchandise from Hartsel to Leadville,

Colorado, via Colo. Highway No. 90 to Dillon and Colorado Highway No. 91
Dillon to Leadville, including intermediate points.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and
held to be the extension of authority herein granted, and shall be made a
part of the original permit heretofore issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steele

W. D. Danks

Dated at Denver, Colorado,
this 28th day of July, 1936.

Wm. E. Simpson
Commissioners.

CONTROL
D

(Decision No. 8121)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

9449

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* * *

IN THE MATTER OF THE APPLICATION)
OF NORMAN RHYNO FOR CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 3229

July 28, 1936

S T A T E M E N T

By the Commission:

On June 1, 1936, in the above numbered application, Decision No. 7671, authority was given for the transportation of livestock pursuant to the request made in the application.

However, an agreement was arranged with the Yockey truck service to eliminate the livestock hauling from the Rhyno authority and this stipulation was overlooked in dictating the order.

Also an understanding was had between Mr. Rhyno and Mr. McKengie, one of the protestants, that Rhyno might have included in the area from which he could transport ore and concentrates, all of Townships 1 North, 1 South and 2 South in Ranges 71, 72 and 73 West.

The order contained in Decision No. 7671, failed to contain such provision or stipulation by Rhyno and McKenzie.

After careful consideration of the record, the Commission is of the opinion and finds that the corrections above indicated, namely the elimination of livestock from the order, and the inclusion of the area abovementioned.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued pursuant to Application No. 3229, Decision No. 7671, be, and the same is hereby corrected as follows:

First, by elimination of livestock haul from the authority granted therein.

Second, including in the territory to be served by the applicant in transporting ore and concentrates, the following townships: One North, One South and Two South in Ranges 71, 72 and 73, West.

In all other respects said order shall continue in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones

W. L. Danks

Wesley E. Smith
Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF D. K. DANIELS AND SON TO LEASE
PUC NO. 74 TO W. H. NOYES AND JOHN
D. NOYES,, DOING BUSINESS AS W. H.
NOYES AND SON.

APPLICATION NO. 658-B-AA

July 28, 1936

Appearances: D. K. Daniels, Allenspark, Colorado,
pro se;
W. H. Noyes, Allenspark, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

D. K. Daniels and Shelby M. Daniels, copartners doing business as D. K. Daniels and Son, on February 19, 1927, in Application No. 658 (Decision No. 1099) were granted a certificate of public convenience and necessity to operate a motor vehicle freight transportation system between Lyons and Hewes Kirkwood. They now seek authority to lease said certificate (PUC No. 74) to W. H. Noyes and John D. Noyes, copartners doing business as W. H. Noyes and Son, for a period of two years from the date of the order granting such authority. The terms of the lease, reference to which is hereby made, are fully set forth in the application on file herein.

The evidence disclosed that there are no outstanding unsatisfied obligations against said operation and that said lessees, on account of their financial standing and experience, are able to satisfactorily continue said operation.

After a careful consideration of the record, the Commission is of the opinion and finds that the authority requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That D. K. Daniels and Shelby M. Daniels,

copartners doing business as D. K. Dannels and Son, should be, and they hereby are, authorized to lease to W. H. Noyes and John D. Noyes, copartners doing business as W. H. Noyes and Son, the certificate of public convenience and necessity granted in Application No. 658, Decision No. 1099, (PUC No. 74) for a term of two years, upon the terms and conditions set forth in the application to lease, filed with the Commission on June 24, 1936.

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

IT IS FURTHER ORDERED, That this transfer shall not become effective until the transferee shall have on file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Connell

W. L. Danks

Ernest E. Egan

Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELLEN KOON AND SIDNEY ELDON KOON FOR)
TRANSFER AND ASSIGNMENT OF CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY (PUC NO. 785.).)

APPLICATION NO. 2412-A-----
July 28, 1936

Appearances: A. B. Koon, Wellington, Colorado,
pro se;
Mrs. Ellen Koon, Wellington, Colorado,
pro se;
Zene D. Bohrer, Esq., and J. F. Rowan,
Denver, Colorado, for Motor Truck
Common Carriers Association;
Marion F. Jones, Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N TBy the Commission:

On October 10, 1935, in Application No. 2412 (Decision No. 6737), G. F. Koon was granted a certificate of public convenience and necessity to operate a common carrier motor vehicle service for the movement of such articles and commodities as ordinarily are handled by transfer men and draymen, in Wellington and trade territory immediately adjacent thereto, including a pick up and delivery service for the Colorado and Southern Railway Company, and the transportation of freight between Wellington and Fort Collins.

The said G. F. Koon died on January 6, 1936, leaving as his sole heirs at law, him surviving, Ellen Koon (his widow) and Sidney Eldon Koon (his son). The said Ellen Koon and Sidney Eldon Koon now seek authority to transfer said certificate to Arthur B. Koon, the consideration for the transfer of said certificate, a water tank and 1929 Chevrolet being \$200.00.

The evidence disclosed that the transferee is an experienced trucker and is financially able to carry on the operation, that there are no unpaid bills against said business and that said Arthur B. Koon is willing to assume all outstanding obligations against said operation should any develop.

After a careful consideration of the record, the Commission is of the opinion and finds that said Ellen Koon and Sidney Eldon Koon, heirs at law of George F. Koon, him surviving, should be authorized to transfer said certificate.

O R D E R

IT IS THEREFORE ORDERED, That Ellen Koon and Sidney Eldon Koon, heirs at law of George F. Koon (deceased), should be, and they hereby are, authorized to transfer the certificate of public convenience and necessity issued in Application No. 2412 (Decision No. 6737), to Arthur B. Koon, the said Arthur B. Koon to assume and satisfy all outstanding obligations of said operation incurred by decedent in his life time, should any develop, to the extent of the consideration.

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

IT IS FURTHER ORDERED, That this transfer shall not become effective until the transferee shall have on file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Farrell

W. L. Banks

Wm. E. Simon

Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

~~CONTROL~~

(Decision No. 8125)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF A. L. POTEET FOR A CLASS B)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3092-PP

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B-1652

July 28, 1936.

Appearances: A. L. Poteet, Florence, Colorado,
Pro se;
J. D. Blunt, Esq., Canon City, Colorado,
for the Southwestern Transportation
Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from mines in the Florence and Canon City districts to Pueblo, Florence, Cripple Creek, Victor and Canon City, from Portland, and sand, rock and gravel from gravel pits and rock quarries in the vicinity of Florence to said Florence, the cement haul to other points having been protested by Southwestern Transportation Company and others.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit, as limited to the transportation of coal, sand, gravel, rock and cement, should issue.

O R D E R

IT IS THEREFORE ORDERED; That A. L. Poteet should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of coal from mines in the Florence and Canon City districts to Pueblo, Florence, Cripple Creek, Victor and Canon City, cement to Florence from Portland, and rock, sand and gravel from gravel pits and rock quarries in the vicinity of Florence to Florence.

IT IS FURTHER ORDERED; That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers, and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED; That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. C. Danks

Walter E. Egan

Commissioners

Dated at Denver, Colorado
this 28th day of July, 1936

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF R. F. BENNETT FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3314-PP.

July 28, 1936

Appearances: R. F. Bennett, Colorado Springs, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
Z. D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Ass'n.

S T A T E M E N TBy the Commission:

Applicant seeks a Class B private permit authorizing the transportation of coal, iron, sand and gravel from point to point within a radius of 50 miles of Colorado Springs.

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

No protests were interposed to the granting of the permit sought.

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

O R D E R

IT IS THEREFORE ORDERED, That R. F. Bennett, of Colorado Springs, Colorado, be, and he is hereby, granted a Class B permit to operate as a private carrier by motor vehicle, for hire, for the transportation of coal, iron, sand and gravel, from point to point within a radius of 50 miles of Colorado Springs, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward M. Steele

W. L. Danks

Wm. E. Simon

Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

~~CONTROL~~
2D

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF HALL H. EDWARDS TO TRANSFER) INTERSTATE PRIVATE PERMIT NO. A-1229-I
INTERSTATE PRIVATE PERMIT TO H.)
H. EDWARDS.)

Handwritten notes and initials in the top right margin, including a circled '12' and other illegible scribbles.

July 28, 1936

S T A T E M E N T

By the Commission:

Heretofore, Interstate Private Permit No. A-1229-I issued to Hall H. Edwards. Application has been filed to transfer said permit to H. H. Edwards.

It appears that said permit should have issued to H. H. Edwards in the first instance but, inadvertently, Hall H. Edwards (son of H. H. Edwards) applied for the permit in his name instead of the name of the father, H. H. Edwards, who owned the operation.

After a careful consideration of the record, the Commission is of the opinion and finds that said application, subject to the provisions of the Federal Motor Carrier Act of 1935, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Hall H. Edwards should be, and he hereby is, authorized to transfer Interstate Private Permit No. A-1229-I to H. H. Edwards, subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward B. O'Leary
W. E. Danks
W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF OLIVER SHAW FOR A CLASS B PERMIT) APPLICATION NO. 3302-PP.
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

July 28, 1936

Appearances: Oliver Shaw, Pierce, Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Associa-
tion and McMillan Transfer;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a Class B private carrier by motor vehicle for hire for the transportation of timber and lumber from Red Feather Lakes to Fort Collins, Owl Canon store and other points in Larimer and Weld Counties.

Protestants withdrew objections to the issuance of permit as limited.

The operating experience and responsibility generally of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Oliver Shaw should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of timber and lumber only (without authority to extend his operations except upon special permission of the Commission) from Red Feather Lakes to Fort Collins, Owl Canon store and other points in Larimer and Weld Counties.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deery

W. E. Danks

Walter E. Eason

Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

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CONTROL
B-1593
(Decision No. 8133)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WALTER GARLITZ, LOMA, COLORADO,)
FOR A CLASS B PERMIT TO OPERATE) APPLICATION NO. 3299-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

July 28, 1936.

Appearances: Walter Garlitz, Loma, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit which, as limited by the evidence offered at the hearing, would authorize him to operate as a private carrier by motor vehicle for hire, for the transportation of farm products (including livestock) from farms within a radius of 10 miles of Loma to Loma, Fruita and Grand Junction; farm supplies, farm machinery and equipment from Grand Junction or Fruita to farms in said radius, and the transportation of farm products in bulk and livestock from farms in said area to Denver and other points in the state of Colorado.

Protestants withdrew objections to the issuance of permit as limited.

The operating experience and responsibility of applicant generally were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Walter Garlitz should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products (including livestock) from farms within a radius of 10 miles of Loma, Colorado to Loma, Fruita and Grand Junction; farm supplies, farm machinery and farm equipment from Fruita or Grand Junction to farms in said area, and farm products in bulk and livestock from farms in said area to Denver and other points in the state of Colorado.

IT IS FURTHER ORDERED; That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Steele

W. L. Danks

Walter Garlitz
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF V. D. GIBSON AND ROY GIBSON FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE ADDITIONAL)
PASSENGER SERVICE BETWEEN GRAND)
JUNCTION, COLORADO, AND COLLBRAN,)
COLORADO, AND INTERMEDIATE POINTS.)

APPLICATION NO. 755-AA-BB

August 13, 1936.

Appearances: McMullin, Sternberg and Helman, Esqs.,
Grand Junction, Colorado, for applicants;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc., and The
Denver and Rio Grande Western Railroad Company.

S T A T E M E N T

By the Commission:

Applicants herein seek a certificate of public convenience and necessity for the transportation of passengers between Grand Junction, Colorado, and Collbran, Colorado, and intermediate points, except the transportation of passengers locally between Grand Junction and Palisade.

Protestants withdrew objections to the issuance of certificate in view of the elimination of service between Grand Junction and Palisade.

The evidence disclosed that applicants V. D. Gibson and Roy Gibson are copartners, doing business as The Plateau Valley Stage Line; that they now operate a freight service under certificate of public convenience and necessity issued by the Commission, between Grand Junction and Collbran and intermediate points, except between Grand Junction and Palisade; that the equipment they propose to use in the conduct of said passenger and freight operation is of the value of approximately \$7,000, the combination passenger and freight bus which they expect to use in the passenger operation being of the value of \$2,000; that Collbran, Plateau City, Molina and Mesa are not served by the railroad or other scheduled passenger service; that a number of people reside in said towns and territory adjacent thereto and need the service; that applicants will interchange passengers with Rio Grande Motor

Way, Inc. and are willing to sell tickets out of Collbran and other points to be served by them to points on the lines of Rio Grande Motor Way and associated carriers. The proposed rates to be charged by them for their service, their time schedule and description of equipment are shown in Exhibits A, B and C attached to the application, which were made a part of the record herein. They propose a daily, except Sundays and holidays, service.

After a careful consideration of the record, the Commission is of the opinion and finds that public convenience and necessity require the proposed operation of applicants and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operation of the applicants V. D. Gibson and Roy Gibson, co-partners, doing business as The Plateau Valley Stage Line, for the transportation of passengers and baggage in intrastate commerce between Grand Junction, Colorado, and Collbran, Colorado, and intermediate points, over U. S. Highway No. 40 South and Colo. State Highway No. 65, except local service between Grand Junction and Palisade and points intermediate thereto, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and

also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks

McDanks

William E. Eickman

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

~~CONTROL~~
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(Decision No. 8139)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD A. EAST.)

INTERSTATE PRIVATE PERMIT NO. B-1254-I

July 28, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Edward A. East, wife of Edward A. East, holder of Interstate Private Permit No. B-1254-I, requesting that his permit be suspended with the proviso that same may be re-instated when he again resumes operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Interstate Private Permit No. B-1254-I, heretofore issued to Edward A. East, of 403 W. Topeka Avenue, Trinidad, Colorado, be, and the same is hereby, suspended for a period of six months from the date of this order; provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not re-instated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels

W. L. Parks

W. L. Parks

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

~~CONTROL~~ *JH*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
) CASE NO. 1651
OF MANUEL SCHULTZ.)

July 28, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
 for respondent;
Richard E. Conour, Esq., Denver, Colorado,
 for the Commission;
Zene D. Bohrer, Esq., Denver, Colorado,
 for the Motor Truck Common Carriers Ass'n.;
Mr. A. J. Fregeau, Denver, Colorado, for the
 Weicker Transportation Co.

S T A T E M E N T

By the Commission:

After receiving several complaints that the respondent Manuel Schultz had failed, refused and neglected to remit and account for several C.O.D. Shipments handled and collected for various shippers, the Commission entered its order on June 1, 1936 in this case requiring respondent to show cause why his certificates of convenience and necessity No. 477, issued in Applications Nos. 1578, 1722 and 1973, should not be revoked or suspended for such delinquencies, which said complaint was heard on June 22, 1936.

At the hearing respondent, through his brother F. W. Schultz who operates the transportation service carried on under the certificates held by respondent Manuel Schultz, admitted the allegations of the show cause order that Rule 37 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers, Revised General Order No. 39, as amended, effective September 1, 1933, had been violated by failure to remit C.O.D. collections within the time and in the manner required by said Rule, which provides as follows:

"Rule 37. All moneys collected on C.O.D. shipments by motor vehicle carriers, as defined in House Bill No. 430, Colorado Session Laws, 1927, shall be kept in a separate fund and shall under no conditions be mingled with other funds or deposited in any bank to the credit of a general account.

"All such carriers immediately upon collection of any and all C.O.D. moneys, and in no event later than five days after delivery of the C.O.D. shipment or shipments, unless authorized by the consignor, shall remit in cash or currency, by money order, cashier's check, certified check, or a check drawn on a bank account in which only C.O.D. moneys are deposited."

The respondent testified in justification of his failure to remit the C.O.D. collections complained of by the Carrick Cigar Company, Colorado Springs, Colorado, The Colorado Paper Company, Pueblo, Colorado, and the Colorado Alcohol Company, Denver, Colorado, totalling approximately \$230.00, that his drivers and terminal managers had collected the charges and had failed to remit the same without his knowledge, and that he had employed others in their places. He also stated that all of the shipments referred to in the show cause order had been accounted for and the collections thereon remitted, with the exception of about \$50.00, which would be paid immediately. No proof was offered that any shipper had authorized remittance later than five days after collection thereof, and some of the collections complained of dated back as far as November and December 1935. Respondent testified that none of his employees were bonded, although they collected as much as two or three thousand dollars per month in C.O.D. collections.

Although common carriers have no duty to make collections for shippers, and the Commission probably has no power to compel the rendition of such service, when carriers do perform a collection service for shippers using their facilities, we must insist that the carrier exercise great care in handling these collections which are trust funds, and fully comply with the Commission's rules which have been promulgated for protection of the public. We have no power or inclination to attempt to exercise purely managerial functions with respect to motor carriers, but it does seem rather negligent on the part of the carrier to permit employees to handle several thousand dollars

per month belonging to shippers, in which the carrier has no interest, without placing such employees under surety bonds for the protection of both the carrier and the shipping public.

The instant matter presents a clear case of careless business practice, although we are satisfied that respondent in good faith relied upon the honesty and integrity of his employees, and has made a real effort to settle these accounts as speedily as his resources would permit. To revoke his authority to operate in interstate commerce would be to impose a penalty unduly harsh under the circumstances, and would deprive the public dependent upon his common carrier transportation service of an essential transportation facility. However, it is only proper to warn the respondent at this juncture that a repetition of the acts here under consideration will result in more positive action on the part of the Commission should the occasion require. Under the circumstances, we have concluded to assess a penalty for the admitted violation of the Rules of the Commission in the manner aforesaid, under the provisions of Section 61 of the Public Utilities Act, and the Commission is of the opinion and so finds that respondent should be assessed a penalty of Twenty-five Dollars for the aforesaid violations of the Rules and Regulations of the Commission relating to the collection and remittance of C.O.D. charges.

O R D E R

THEREFORE, IT IS ORDERED by the Commission that respondent Manuel Schultz be, and he is hereby, assessed, and ordered and required to pay, a penalty of Twenty-five Dollars, for the aforesaid violation of the Rules and Regulations of the Commission, within twenty days after the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Lee
W. D. Danks
Walter E. Smith
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

CONTROL
9D

(Decision No. 8141)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF S. W. PICKETT FOR AUTHORITY TO)
TRANSFER CERTIFICATE NO. 484 TO)
E. J. RAWSON AND ORVILLE RAWSON.)

APPLICATION NO. 1545-A

July 28, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for S. W. Pickett, E. J. Rawson and
Orville Rawson;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Heretofore, in Application No. 1545 (Decision No. 2963), S. W. Pickett was granted a certificate of public convenience and necessity for the operation by motor vehicle of a transfer, moving and general cartage business in the City of Longmont and in the County of Boulder, and for occasional service throughout the State of Colorado and each of the counties thereof, subject to certain conditions set out in said application.

He now seeks authority to transfer said certificate No. 484 to E. J. Rawson and Orville Rawson, copartners.

The evidence disclosed that there are no outstanding obligations against said operation, that applicants expect to pay \$500 for said certificate, that they own 3 trucks of the value of \$2,400 which they expect to use in said operation, have other property of the value of \$10,000, are experienced truckers and are now operating under private permit No. A-519 which they propose to sell to one Bethke if they are allowed to purchase the certificate involved in this application.

They will assume and satisfy all outstanding obligations, should any develop against said operation, to the extent of the consideration.

After a careful consideration of the record, the Commission is of the opinion and finds that said application for authority to transfer PUC No. 484, issued in Application No. 1545, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That S. W. Pickett should be, and he hereby is, authorized to transfer the certificate of public convenience and necessity granted in Application No. 1545 (Decision No. 2963) to E. J. Rawson and Orville Rawson, said transferees to assume and satisfy outstanding obligations against said operation, if any there be, up to the consideration of \$500.

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

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferees shall have on file with the Commission the necessary insurance required by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dwyer

W. L. Danks

Quam S. S. S. S.
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)

LeROY RODERICK)

CASE NO. 1737

July 28, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against LeRoy Roderick, holder of private permit No. A-663, for his failure to comply with the rules and regulations of the Commission in that he failed to furnish a list of his customers and provide the necessary insurance.

The case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time the record disclosed that respondent had filed a list of his customers and had provided the necessary insurance as required by the rules of the Commission.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the respondent has now fully complied with the rules and regulations of the Commission and that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 28th day of July, 1936.

Edward E. Pollock
W. E. Danks
W. E. Danks
Commissioners

~~CONTROL~~
12

(Decision No. 8143)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BASSETT TRANSFER CO.)

CASE NO. 1740

July 28, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the Bassett Transfer Company, holder of private permit No. A-669, for its failure to comply with the rules and regulations of the Commission in that said company failed to file a list of its customers.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M., (pursuant to due notice), at which time and place the respondent failed to appear.

The Secretary of the Commission testified that Mr. Lowen Bassett had written a letter to the effect that back in 1934 a list of customers was filed, and Mr. Bassett did not seem to understand that it should be kept up to date. The Secretary communicated with Mr. Bassett under date of July 8 advising that a list of all customers as of this date would have to be filed in order to comply with the rules of the Commission. The Secretary stated that no reply had been received from respondent.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the respondent has violated the rules of the Commission and has failed to correct the same, and that his permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-669, heretofore

issued to Bassett Transfer Company, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell

W. L. Danks

Wm. H. Hinson

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

CONTROL *7/28*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF NORMAN RHYNO.)

CASE NO. 1697

July 28, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the operation of Norman Rhyno for his failure to file list of customers and a description of equipment used under his private permit No. A-506.

After careful consideration of the record, it is found that on June 1, 1936, in Decision No. 7671, private permit No. A-506 was cancelled in the same order which granted Mr. Rhyno a certificate of public convenience and necessity, and the Commission is of the opinion and finds that it was an error to issue said show cause order.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Walter E. Simon
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MILES BATEMAN.) CASE NO. 1739

July 28, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Miles Bateman, holder of private permit No. A-667, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file with the Commission a list of customers and furnish a description of his equipment.

The record shows that on July 7, 1936, the respondent supplied a list of some of his customers.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the respondent failed to appear.

The Secretary of the Commission testified that as yet the respondent had not furnished a complete list of his customers and had not furnished a description of equipment used in his operation as required by the rules of the Commission.

After careful consideration of the record, the Commission is of the opinion and finds that the respondent, Miles Bateman, is still in default and that his permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-667, heretofore issued to Miles Bateman, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 28th day of July, 1936.

Edward J. [Signature]
W. D. [Signature]
Wm. [Signature]
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELLER AND WIGGINTON.)

CASE NO. 1741

July 28, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Eller and Wigginton, holders of private permit No. A-672, for their failure to comply with the rules and regulations of the Commission in that they failed to file a list of their customers, a description of their equipment, provide the necessary insurance and failed to file monthly reports and pay highway compensation tax for the year 1935 and from January, 1936 to date. They also failed to satisfy Distrainment Warrant No. 802.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the respondent failed to appear or make any answer to the complaint.

The Secretary of the Commission testified that the respondent was still in default and violating rules and regulations as above set forth.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-672, heretofore issued to Eller and Wigginton, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. D. Danks
Wm. E. Wilson
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RODNEY CAPRON.)
-----)

CASE NO. 1742

July 28, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the operations of Rodney Capron, holder of private permit No. A-673, for his failure to comply with the rules and regulations of the Commission in that he failed to provide the necessary insurance and to furnish a description of his equipment.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the record disclosed that the respondent had provided the necessary insurance, and had furnished a list of his equipment.

After careful consideration, the Commission is of the opinion and finds that, respondent having now complied with all requirements of the Commission, the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 28th day of July, 1936.

Edward J. Deane
W. C. Danks
Wm. E. Simon
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL SCHWAB.) CASE NO. 1743
-----)

July 28, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Carl Schwab, holder of private permit No. A-674, for his failure to comply with the rules and regulations of the Commission in that he failed to file a list of equipment used and provide the necessary insurance.

This case was called for hearing at Denver, Colorado, at the hearing room of the Commission, at 10 o'clock A. M., on July 22, 1936 (pursuant to due notice) at which time and place the Secretary of the Commission testified that the respondent had provided a description of his equipment, had filed the necessary insurance and otherwise had complied with all of the rules and regulations of the Commission.

After careful consideration, the Commission is of the opinion and finds that, respondent having now complied with all requirements of the Commission, the instant case should be dismissed.

O R D E R

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

Dated at Denver, Colorado,
this 28th day of July, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. L. L. L.

M. A. Danks

Walter E. E.

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. N. CORRELL.)

CASE NO. 1744

July 28, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the operations of T. N. Correll, under his private permit No. A-677, for his violation of the rules and regulations of the Commission in that he failed to file a list of his customers, to report a description of his equipment and provide the necessary insurance.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the record disclosed that the respondent had filed a list of customers, had reported description of his equipment and had provided the necessary insurance.

After careful consideration of the record, the Commission is of the opinion and finds that, respondent having now complied with all requirements of the Commission, the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock

W. L. Davis

Walter Erickson

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

CONTROL
25

(Decision No. 8150)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1669
A. L. STEPHENS.)

July 28, 1936.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order revoking private permit No. A-179 for respondent's failure to file a certificate of insurance. Subsequent to the issuance of this order information has come to the Commission to the effect that respondent has had insurance in effect since November, 1935, but that his insurance agent neglected to file the necessary certificate of insurance until July 15, 1936.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that since the charge in this case has been satisfied, its former decision of July 21, 1936 (Decision No. 8027) should be set aside and that private permit No. A-179 should be reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the decision of the Commission dated July 21, 1936 (Decision No. 8027) be, and the same is hereby, set aside, and that Private Permit No. A-179 be reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this 28th day of July, 1936

Edward W. Danks
W. E. Danks
Chas. E. Danks
Commissioners

CONTROL
9D

(Decision No. 8151)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK L. WILLIAMS) CASE NO. 1667

July 28, 1936

S T A T E M E N T

By the Commission:

On July 21, 1936, the Commission entered its order re-
voking private permit No. A-161 for the respondent's failure
to file a certificate of insurance. Subsequent to the issuance
of this order information has come to the Commission that a
certificate of insurance was filed on July 6th, 1936, and that
its order was therefore in error.

After careful consideration of the record, the Commission
is of the opinion, and so finds, that its decision No. 8025
of July 21, 1936 should be set aside and private permit No.
161 reinstated.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-161,
heretofore issued to Frank L. Williams, be, and the same is
hereby, reinstated, and that the decision of the Commission
dated July 21, 1936 (Decision No. 8025) be set aside.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dene
W. L. Danks
W. L. Danks
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

CONTROL

(Decision No. 8154)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF E. L. HAMILTON FOR A CLASS B)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3333-PP

July 28, 1936

Appearances: E. L. Hamilton, Fort Lupton, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for William Stewart, Ethel A. Sorenson
and Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for Fuller Truck Line and Motor Truck
Common Carriers Association;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit which, as limited by the testimony offered at the hearing, would authorize him to transport peas to Fort Lupton from farms within a radius of 15 miles thereof, and sugar beets from farms within a radius of 7 miles of Fort Lupton to beet dumps in said area.

Protestants withdrew objections to issuance of permit as limited.

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

After a careful consideration of the record, the Commission is of the opinion and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That E. L. Hamilton should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of peas to Fort Lupton from farms within a radius of 15 miles thereof, and sugar beets from farms within a radius of 7 miles of Fort Lupton to beet dumps in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank D. O'Connell

McDanks

Wm. E. Simon

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF E. F. PARRISH FOR AN EXTENSION)
OF HIS PERMIT NO. B-959.)

APPLICATION NO. 3319-PP-B

July 28, 1936

Appearances: E. F. Parrish, Cripple Creek, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n.;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Heretofore applicant was granted a Class B private permit for the transportation of contractors' outfits and supplies, including highway equipment, material and gravel, from, to and between points in the State of Colorado. In the instant application, he seeks to extend the authority granted under said permit B-959 to include the right to transport mining supplies only, which he specifies as coal, lumber, cement, hardware and concentrates, to and from the Cripple Creek district from and to Denver, Pueblo, Colorado Springs, Florence and Portland.

Applicant testified that he did not desire to transport any freight directly into or out of Cripple Creek or Victor, but would confine his operations to the transportation of freight into and out of what is known as the "Winfield Stratton" mining properties in the Cripple Creek district. With this statement in the record, all objections to the granting of the extension sought were withdrawn by protestants.

It would appear that applicant is personally interested in a number of the mining properties he proposes to serve.


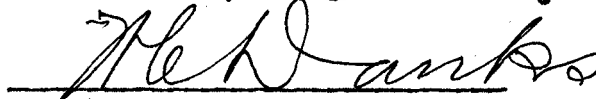
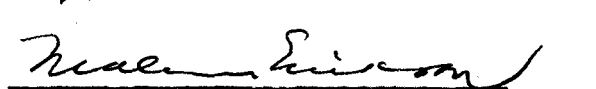
After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited by the testimony, the extension sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That E. F. Parrish, of Cripple Creek, Colorado, be, and he is hereby, authorized to extend his operations under his Class B permit No. B-959 to include the right to transport concentrates and mining supplies only, consisting of coal, lumber, cement and hardware, to and from the mines located in what is known as the Winfield Stratton mining properties of the Cripple Creek district, from and to Denver, Pueblo, Colorado Springs, Florence and Portland, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the extension of authority herein granted and shall be made a part of the original permit heretofore issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

~~CONTROL~~
9D

(Decision No. 8156)

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12
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47

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
MRS. MAUDE A. HERLACHER FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3315-PP

July 28, 1936

Appearances: Mr. A. A. Herlacher, Colorado Springs, Colorado,
for applicant;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n.;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

The application filed herein seeks authority to transport freight consisting of "coal and general freight hauling from Florence, Colorado, to Cripple Creek and intermediate points, also occasional trips from Colorado Springs to Golden, Colorado."

At the hearing, applicant waived her application so far as the transportation of general freight was concerned and sought only authority to transport coal from Florence to Cripple Creek and Colorado Springs, as well as the right to transport beer only from Golden to Colorado Springs.

The evidence disclosed that applicant had heretofore transported three loads of beer from Golden to Colorado Springs for hire, although the only authority she had at that time was a Class "C" permit. The evidence as to what charge had been made for such transportation service was very vague, but we believe it was clearly demonstrated that the charge was less than the rates prescribed by the Commission for such movements. The only excuse offered by applicant for such unlawful acts was that an emergency existed and the trip was more a matter of accommodation for the shipper. The shipment of said beer was made for the Colorado Springs Distributing Company of Colorado Springs, and we desire to point out that under the law the shipper who procures and uses

the service of an illegal trucker, becomes responsible for the violation of Section 18 of Chapter 120, Session Laws of 1931, and becomes liable for a fine of not less than \$25 nor more than \$1,000, or to imprisonment in the county jail for not less than 10 days nor more than six months, or both in the discretion of the Court. What affirmative action will be taken by the Commission relative to these law violations is a matter for future determination, but a copy of this order will be sent to the shipper above mentioned in order that it may be advised as to its position in said matter.

On behalf of protestants, evidence was introduced tending to show that ample common carrier service is now available from Golden to Colorado Springs for the transportation of beer and that any diminution in the amount of traffic available for common carriers between said points would impair the efficient public service now being rendered by said carriers.

No objections were interposed to the granting of the permit so far as the transportation of coal is concerned.

As the transportation of coal, as limited by the evidence, would be between fixed termini and over a regular route, applicant should be granted a Class "A" instead of a Class "B" permit.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that except for the transportation of coal, the application should be denied on the ground that the granting of same would impair the efficient service of established common carriers.

✓ We are further of the opinion, and so find, that so far as the transportation of coal is concerned, the instant application should be granted, as limited by the evidence.

O R D E R

IT IS THEREFORE ORDERED, That Mrs. Maude A. Herlacher, of Colorado Springs, Colorado, be, and she is hereby, authorized to operate as a Class "A" private carrier by motor vehicle, for hire, for the transportation of coal only between Florence and Cripple Creek, and between Florence and Colorado Springs, without the right to serve intermediate points.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of her customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon her compliance at all times with all the laws, rules and regulations pertaining to her operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

William E. Eickman

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

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(Decision No. 8157)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
CLYDE MERRIS, CANON CITY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3018-PP-B

July 28, 1936

Appearances: Clyde Merris, Canon City, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Ass'n.;
A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Ass'n.;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein has a Class A permit, issued March 2, 1936, in Decision No. 7303, whereby he is given authority to transport coal and road materials. The applicant now seeks to extend his permit so that he can transport dolomite from the quarry west of Canon City to the loading spur on the Denver and Rio Grande Western Railroad in Canon City, a distance of about 1.8 miles. Upon the applicant making the above statement those appearing at the hearing withdrew all objections and consented to the issuance of the extension.

After careful consideration of the record and the testimony given at the hearing the Commission is of the opinion and finds that the extension sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit B-1344 heretofore issued to Clyde Merris of Canon City, Colorado, be, and the same hereby is, extended to include the transportation of dolomite from the quarry west of Canon City to

loading spur of the Denver and Rio Grande Western Railroad in Canon City, a distance of about 1.8 miles, and this order shall be authority for such extended operation.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. L. Danks

Malcolm S. Erickson
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

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(Decision No. 8159)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF J. D. SPANGLER FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR THE)
TRANSPORTATION OF GENERAL FREIGHT)
IN THE VICINITY OF SALIDA, COLORADO.)

APPLICATION NO. 3309-PP

July 28, 1936.

Appearances: J. D. Spangler, Salida, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association
and U. S. Read Truck Line;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way;
A. J. Fregeau, Denver, Colorado, for
Motor Truck Common Carriers Assn;
S. J. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Co.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks a Class B permit for the transportation of farm products (no livestock) from farms situated in an area around Salida, Colorado, extending 25 miles east thereof, 20 miles south, 20 miles west and 15 miles north to packing sheds, market and leading points at Salida; granite from the quarries of the Salida Granite Company to said company's place of business in Salida; building materials for the Salida Lumber Company from said firm's places of business in Salida to customers within the Salida area above-described; and ore and mining machinery between railroad leading points at Salida and mines within the area above-described, all of which service was to be performed for customers residing in said Salida area and the applicant stated that he had no desire to enter into a competing business with U. S. Read Truck Line, Southwestern Transportation Company, Thomas F. Mulvaney and common carriers now serving said area.

The applicant has a Ford V-8 truck and is the owner of other pro-

perty. His financial standing and reliability was established to the satisfaction of the Commission.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that as limited by the testimony the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. D. Spangler of Salida, Colorado be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products (no livestock) from farms situated in an area around Salida extending 25 miles east, 20 miles south, 20 miles west and 15 miles north thereof, to packing sheds, storage and shipping points in or near Salida; granite from the quarry of the Salida Granite Company to said company's place of business in Salida; building materials from the Salida Lumber Company's yard in Salida to points within the above described areas and lime to any points where said Company may require delivery; and ore and mining machinery between railroad loading points and mines situated in the above-described Salida area, all of which service is to be rendered for customers residing within said area, provided however that the applicant will not engage in any transportation service except of farm products, (no livestock) lime and granite between towns located on the line of scheduled common carriers now serving the Salida area, and this order shall be deemed authority for the conduct of the operations herein set forth.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under

this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. E. Danks

Wm. E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 28th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF E. P. WELSH FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3325-PP

July 28, 1936

Appearances: Zene D. Bohrer, Esq., Denver, Colorado,
for Fuller Truck Line, Lyons & Thompson,
Milliken-Johnstown Truck Line and
Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N TBy the Commission:

On July 1, 1936, applicant filed his application for a Class B. intrastate permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products, farm machinery within a radius of 20 miles of Fort Lupton, and brick and lumber from Denver to Fort Lupton lumber yards.

Although said application was regularly set for hearing in Denver, on July 16, 1936, at 10 o'clock A. M. and applicant duly notified thereof, he failed to appear.

Thereupon, protestants stipulated that said application might be offered in evidence in behalf of applicant and that permit limited to the transportation of farm products from point to point within a radius of 10 miles of Fort Lupton, Colorado might issue; said protestants further stating that in their opinion the granting of additional authority as prayed for will impair the efficiency of line haul common carriers now serving said territory.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should issue limited to the transportation of farm products from point to point within a radius of 10 miles of Fort Lupton, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That E. P. Welsh should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products within a radius of 10 miles of Fort Lupton, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward C. Danks

W. C. Danks

Wm. E. Danks

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

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(Decision No. 8163)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF BERT HALL, DOING BUSINESS AS)
HALL TRUCK COMPANY, FOR AN EX-)
TENSION OF CERTIFICATE NO. 491.)

APPLICATION NO. 1384-B

July 28, 1936

Appearances: Bert Hall, Parker, Colorado,
 pro se;
 Marion F. Jones, Esq., Longmont, Colo-
 rado, for Colorado Trucking Associa-
 tion;
 Zene D. Bohrer, Esq., Denver, Colorado,
 for Motor Truck Common Carriers Associa-
 tion.

S T A T E M E N T

By the Commission:

Applicant Bert Hall is engaged in the operation of a common carrier motor vehicle service under authority of the Commission granted in Decision No. 2997, as Hall Truck Line (PUC No. 491). He now seeks an extension of said certificate to include the transportation of livestock and general farm commodities (excluding milk and cream) from and to all points within a radius of 15 miles of the Town of Parker, Colorado to and from all points within the State of Colorado.

The application was not protested or opposed by anyone.

The evidence disclosed that a number of farmers reside in the territory in question, that considerable hay, feed and livestock is shipped into said territory and occasionally farm products and livestock are shipped out of said territory, that applicant proposes to use the same equipment under the extended authority now used by him in his motor vehicle operations, to-wit, two GMC trucks of the value of \$1,500, but should the business developed

justify an increase in the equipment, he is in a position to and will purchase an additional truck.

After a careful consideration of the record, the Commission is of the opinion and finds that public convenience and necessity require the proposed operation and a certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That in addition to the service already furnished by Bert Hall, doing business as Hall Truck Company, under Certificate No. 491, the public convenience and necessity requires the proposed extended motor vehicle operation of the applicant for the transportation, not on schedule, of livestock and general farm commodities (excluding milk and cream) from and to points within a radius of 15 miles of Parker to and from all points in the State of Colorado, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Deere
W. D. Danks
Wm. L. Lusk

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

CONTROL
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(Decision No. 8166)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF DICK HOLMES FOR A CLASS B PERMIT
TO OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 3327-PP

July 28, 1936

Appearances: Dick Holmes, 181 South Cherokee St.,
Denver, Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for Fuller Truck Line, Lyons and
Thompson and Milliken-Johnstown
Truck Line;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company,
V. G. Garnett, Denver, Colorado, for
Colorado Rapid Transit;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit which, as limited by the testimony offered at the hearing, would authorize him to operate as an intrastate private carrier by motor vehicle for hire for the transportation of grain and peas to Fort Lupton and Denver from farms within a radius of 10 miles of Fort Lupton, and sand and gravel for road contractors from point to point within a radius of 50 miles of Denver.

The evidence did not disclose that the proposed operation as limited will impair the efficiency of any motor vehicle common carrier service.

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

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Dick Holmes, of 181 South Cherokee St., Denver, Colorado, should be, and he hereby is, authorized to operate as a Class

B intrastate private carrier by motor vehicle for hire for the transportation of grain and peas to Fort Lupton from farms within a radius of 10 miles thereof, and sand and gravel for road contractors from point to point within a radius of 50 miles of Denver.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Threlkeld

W. D. Danks

Wm. E. Eickson

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF PAUL H. HULBERT FOR AN EX-)
TENSION OF HIS CLASS A PERMIT)
NO. A-930.)

APPLICATION NO. 2304-PP-B

July 28, 1936

Appearances: R. N. Sandhouse, Esq., Sterling, Colorado,
for applicant;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for Northeastern Motor Freight and
Motor Truck Common Carriers Associa-
tion.

S T A T E M E N TBy the Commission:

On April 12, 1935, in Application No. 2304-PP (Decision No. 6424), Paul H. Hulbert was authorized to operate as a Class A private carrier by motor vehicle for hire, permit No. A-930, for the transportation of light express and freight between Sterling, Colorado and Fort Morgan, Colorado and intermediate points, over U. S. Highway No. 6.

He now seeks authority to extend said operation to include the transportation of eggs, poultry, cream and milk only to Sterling, Colorado from farms located within 2 miles on either side of a line described as:

"Leaving U. S. Highway No. 6 and 85 at the Town of Merino, straight west to east line of section 14, township 6 N, range 54 W; then north one-half mile to southeast corner of section 11; then turn west for five miles due west to Morgan County Line; thence south two miles on the west line of sections 18 and 19; then turning west into Morgan County five miles; then turn north five miles striking Logan County Line between sections 31 and 32 of township 7 N, range 55 W; then turn west along the south side of section 30 to Weld County Line; continue due west five miles into Weld County; then turn one mile north; then turning east five miles entering Logan County on the line between sections 19 and 30, township 7 N, range 55 W; continuing east for five miles to the southeast corner of section 23, township 7 N, range 55 W, or the town of Willard; then proceed two miles east to the southeast corner of section 19, township 7 N range 54 W; turning North one and one-half miles; then turning east one mile through center of section 17; then north one and one-half miles to the southeast corner

of section 5; then east one mile to the southeast corner of section 4 and turn Northward two miles to State Highway 14; then eastward on the State Highway eastward ten miles to the City of Sterling",

and from farms within 2 miles of a line described as:

"Leaving Sterling, Colorado eastward on U. S. Highway No. 6 toward Fleming to the west line of section 12, township 8 N, range 50 W; then turning south $2\frac{1}{2}$ miles to the northwest corner of section 25, township 8 N, range 50 W; then proceeding east 4 miles to the northeast corner of section 28, township 8 N, range 49 W; then turning south 14 miles to the southeast corner of section 33, township 6 N, range 49 W, then continuing south in Washington County 6 miles; then turning west 4 miles, then turning north 6 miles entering Logan County between sections 35 and 36 township 6 N, range 50 W; continuing north 10 miles to the northeast corner of section 14, township 7 N, range 50 W; then turning west 6 miles southwest corner of section 12, township 7 N, range 51 W; then continuing slightly north and west over what is known as the "short cut" or South Holyoke Road to its junction with U. S. Highway No. 6, just east of Platte River Bridge east of Sterling, Colorado, returning to Sterling over Highway No. 6."

Protestants withdrew objections to issuance of an extension as limited.

After a careful consideration of the record, the Commission is of the opinion and finds that said extension limited to the service sought to be rendered and subject to the restrictions contained in said Decision No. 6424, should issue.

O R D E R

IT IS THEREFORE ORDERED, That subject to the restrictions contained in Decision No. 6424, Paul H. Hulbert should be, and he hereby is, authorized to extend his operations under the private permit granted in said Application No. 2304-PP (Decision No. 6424), permit No. A-930, to include the transportation of eggs, poultry, cream and milk only to Sterling, Colorado from farms along and within 2 miles of a line described as:

"Leaving U. S. Highway No. 6 and 85 at the Town of Merino, straight west to east line of section 14, township 6 N, range 54 W; then north one-half mile to southeast corner of section 11; then turn west for five miles due west to Morgan County Line; thence south two miles on the west line of sections 18 and 19; then turning west into Morgan County five miles; then turn north five miles striking Logan County Line between sections 31 and 32 of township 7 N, range 55 W; then turn west along the south side of section 30 to Weld County Line; continue due west five miles into Weld County; then turn one mile north; then turning east five miles entering Logan County on the line between sections 19 and 30,

township 7 N, range 55 W; continuing east for five miles to the southeast corner of section 23, township 7 N, range 55 W, or the town of Willard; then proceed two miles east to the southeast corner of section 19, township 7 N, range 54 W; turning North one and one-half miles; then turning east one mile through center of section 17; then north one and one-half miles to the southeast corner of section 5; then east one mile to the southeast corner of section 4 and turn Northward two miles to State Highway 14; then eastward on the State Highway eastward ten miles to the City of Sterling",

and from farms along and within 2 miles of a line described as:

"Leaving Sterling, Colorado eastward on U. S. Highway No. 6 toward Fleming to the west line of section 12, township 8 N, range 50 W; then turning south $2\frac{1}{2}$ miles to the northwest corner of section 25, township 8 N, range 50 W; then proceeding east 4 miles to the northeast corner of section 28, township 8 N, range 49 W; then turning south 14 miles to the southeast corner of section 33, township 6 N, range 49 W; then continuing south in Washington County 6 miles; then turning west 4 miles, then turning north 6 miles entering Logan County between sections 35 and 36 township 6 N, range 50 W; continuing north 10 miles to the northeast corner of Section 14, township 7 N, range 50 W; then turning west 6 miles southwest corner of section 12, township 7 N, range 51 W; then continuing slightly north and west over what is known as the "short cut" or South Holyoke Road to its junction with U. S. Highway No. 6, just east of Platte River Bridge east of Sterling, Colorado, returning to Sterling over Highway No. 6."

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. C. Danks

Walter E. Egan
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1926.

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dismissed

(Decision No. 8168)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE T. BLACK.)

CASE NO. 1774

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-813 should not be suspended or revoked for his failure to file the required insurance, a list of his customers and the description of his equipment.

The evidence disclosed that this permit was heretofore transferred to the Mines Transit Company by the above named respondent, and said company has filed proper insurance, description of equipment and list of customers.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane

W. C. Deane

Walter E. Deane

Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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(Decision No. 8169)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF RAY LARSON.)

CASE NO. 1775

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-828 should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance, make monthly reports, file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-828, heretofore issued to Ray Larson, should be and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Deeks
Wm. J. Spivey
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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(Decision No. 8170)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ELIZABETH MORRISON, DOING BUSINESS AS)
THE INTER-CITY TRUCK LINE FOR AN EX-) APPLICATION NO. 1211-BB
TENSION OF HER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY, PUC NO. 692.)

July 28, 1936.

Appearances: J. F. Rowan, Denver, Colorado, for the
applicant;
J. G. Hodges, Esq., Denver, Colorado, for
The Colorado Motor Way;
C. D. Young, Denver, Colorado, for
The Colorado Trucking Association;
John Q. Dier, Esq., Denver, Colorado, for
The Colorado and Southern Railway Co.

S T A T E M E N T

By the Commission:

Elizabeth Morrison, the applicant herein, doing business as The Inter-City Truck Line, seeks an extension of her certificate of public convenience and necessity No. 692. The applicant at this time has authority to transport freight between Denver and the towns of Windsor and Severance, Colorado, and between Greeley, Farmer's Spur, Windsor and Johnstown, and since the granting of this authority, has been continuously conducting a scheduled service as authorized thereby. The record and the testimony disclosed that a need exists for the proposed extended operation of the applicant, particularly among the merchants located in the several towns to be served, and the financial standing and reliability of the applicant was established to the satisfaction of the Commission.

The applicant stated that she desired authority to transport all commodities, as set forth in her application, but sought no authority to serve intermediate points between Denver and Greeley on U. S. Highway 85, and no authority is requested for the transportation of freight from Fort Collins to Loveland, or from Denver or any intermediate points on U. S. Highway 85, and

and that no freight would be transported from Greeley to Denver. With this statement of limitations, those appearing at the hearing, did not see fit to interpose further objections.

After careful consideration of the record and the evidence, the Commission is of the opinion and finds that the public convenience and necessity require the extended and additional motor vehicle operation of the applicant to include the transportation of all commodities between the points as set forth in her application and that the extension should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operation of the applicant for the extension of her Certificate No. 692, to include transportation of all commodities, (no express), from Denver to Timnath and Wellington via Windsor, (with no intermediate service between Denver and Greeley) only intermediate service between Windsor and Wellington; between Loveland, Greeley, Windsor, Timnath and Wellington; from Wellington, Timnath and Windsor to Greeley, Fort Collins, Loveland and Denver, (no intermediate service between Denver and Greeley on U. S. Highway 85); and from Fort Collins to Windsor, Timnath, Wellington and Greeley, (without authority to transport freight from Fort Collins to Loveland or Denver or any intermediate points on U. S. Highway 285, and no authority to transport freight from Greeley to Denver), and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or

extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Charles E. Evers
Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

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B-1669

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF FRANK GROBOSKY FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3317-PP

July 28, 1936.

- Appearances: George M. Gibson, Esq., Colorado Springs,
Colorado, for applicant;
Z. D. Bohrer, Esq., Denver, Colorado,
for the Motor Truck Common Carriers Ass'n.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Ass'n.;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

Applicant seeks a Class B private permit authorizing the transportation of coal, lumber, building supplies, and other freight, from Pueblo to other points in the State of Colorado. He is now operating under a Class "C" permit, but desires to enlarge his operations to permit the transportation of the above mentioned commodities for hire. He has been trucking for the Thomas and Brown Lime and Coal Company of Pueblo, since 1921, and his services would be largely confined to serving said company and the Newton and Ashley Lumber Companies.

The evidence disclosed that the Thomas and Brown Coal and Lime Company has two lime kilns, one above Manitou and one at Pueblo. The movement from the Manitou kiln is entirely by rail as no highway connects with same. The said company's shipments from Pueblo are largely made in carload lots by rail, and the service rendered by applicant is in the nature of delivery of emergency shipments, which service he may be called upon to perform at any time of the day or night.

On behalf of protestants, evidence was introduced to the effect that common carriers situate in both Pueblo and Colorado Springs and holding rovers'

certificates, have ample equipment and are available to render the class of service for which applicant seeks authority. In so far as the Thomas and Brown Coal and Lime Company is concerned, it does not appear that any common carrier has ever had the handling of their so-called "emergency shipments", and we question whether this service is one that could readily be handled by the common carrier in a satisfactory manner to the shipper.

Some evidence was introduced to the effect that applicant had violated the law by making some of these deliveries prior to the date of hearing upon his application. The excuse offered by applicant was to the effect that in the first instance he did not know that a permit was required and when he was stopped by the patrol and told that he must obtain a permit, he filed his application and paid his filing fee, which he thought authorized him to go ahead. The Commission cannot condone violations of the law, but we do not feel in the instant case that the actions of applicant were of a willful character or of such a nature as would justify us in refusing him any authority whatever.

So far as the transportation of freight for the lumber companies is concerned, it does not appear that this traffic could not be readily handled by established common carrier service, and we believe that it further affirmatively appears that the granting of authority to applicant for such movements would impair the efficient service of common carriers now serving the said territory.

So far as the transportation of coal is concerned, no common carrier service would be affected by the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the applicant should be granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal and lime from Pueblo, Colorado, to and from other points in the State of Colorado, provided, however, that in the transportation of lime his operations shall be limited to the service of the Thomas and Brown Coal and Lime Company of Pueblo.

O R D E R

IT IS THEREFORE ORDERED, That Frank Grobosky be, and he is hereby authorized to operate as a Class B private carrier for hire, for the transportation of coal and lime from Pueblo, Colorado, to and from other points in the State of Colorado; provided, however, that in the transportation of lime, his operations shall be limited to the service of the Thomas and Brown Coal and Lime Company of Pueblo.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell

W. D. Antko

Max E. Brinson

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1936.

CONFIDENTIAL

(Decision No. 8172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARVEY BROTHERS.)

CASE NO. 1776

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. B-832 should not be suspended or revoked for his failure to keep on file with the Commission the required insurance and file a list of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. B-832, heretofore issued to Harvey Brothers, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danks
W. C. Spink
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LOUIS TORRE.)

CASE NO. 1777

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-836 should not be suspended or revoked for his failure to make reports, keep on file with the Commission the necessary insurance, file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-836, heretofore issued to Louis Torre, should be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Turner

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Macon Eickson

Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY C. BEANBLOSSOM.)

CASE NO. 1778

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-837 should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance, file a list of his customers and description of his equipment.

The evidence disclosed that the permit is now in the course of being transferred, and transferee has filed the necessary insurance.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. E. Danks

Maen Erickson

Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. P. SCHNEIDER.)

CASE NO. 1779

August 3, 1936.
-----Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.S T A T E M E N TBy the Commission:

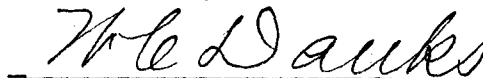
On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit should not be suspended or revoked for his failure to file with the Commission the required insurance and a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-842, heretofore issued to A. P. Schneider, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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Dismissed

Decision No. 8176)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. L. WILSON.)

CASE NO. 1780

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-845 should not be suspended or revoked for his failure to file with the Commission the necessary insurance, a list of his customers and description of his equipment.

The evidence disclosed that prior to date of hearing on said matter, but subsequent to issuance of show cause order, respondent had satisfied all of the above delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. L. Danks
Wm. H. Henson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

CONTROL
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(Decision No. 8177)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF E. J. RAWSON TO TRANSFER HIS)
PRIVATE PERMIT NO. A-519 TO R. A.)
BETHKE, DOING BUSINESS AS BETHKE)
TRUCK LINE.)

APPLICATION NO. 3356-PP-A

August 3, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicants;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers
Association;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Mr. George E. Garrett, Longmont, Colorado,
for the McKie Transfer Company.

S T A T E M E N T

By the Commission:

The hearing on this application for a transfer of private permit No. A-519 was delayed until the latter part of the day and in the interim the applicants were obliged to leave the hearing room.

There being no objections, Marion F. Jones, representing the applicants, was duly sworn and testified that he was familiar with all of the facts concerning the original operation and assisted in the details of the sale to Bethke; that the sum of \$1,200 in cash was being paid the transferor for private permit No. A-519; that R. A. Bethke, doing business as the Bethke Truck Line of Gilcrest, Colorado, had approximately \$20,000 worth of clear equipment and property; that there were no outstanding obligations as a result of the operations of Mr. Rawson under his said permit; that Rawson (the owner of this permit) had been rendering service over practically all of the routes set forth in his original application and in the letter describing routes later filed; and that the transferee desired to take over all of the rights owned by Rawson and in all probability would use only that portion of the rights running north from Denver and in this connection instead of filing two lists of customers, one under his original authority and the other under private permit No. A-519, if

acquired, he would consolidate the lists and operate both permits under one list of customers.

It was called to the attention of the Commission that transferor had been engaged in the transportation of elevator and mill products and at times lumber and building materials; that the transferee now proposes to serve different customers and to engage in the transportation of merchandise and that such was a different operation.

It was also called to the attention of the Commission that by this transfer, private permit No. A-519 will go into the hands of a capable and financially able transportation management and will undoubtedly impair the services of some scheduled common carriers, which the transferor did not do.

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

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the transferee is financially able to conduct even a more extensive service than the transferor has in the past conducted but under the present rules of the Commission the primary question in each transfer is adjustment of accounts and the financial standing of the transferee and not speculations as to whether the transferee is going to or is not going to conduct a more extensive service and the Commission is further of the opinion and finds that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That E. J. Rawson should be, and he hereby is, granted authority to transfer all of his right, title and interest in and to private permit No. A-519 to R. A. Bethke.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. D. Parks
Walter E. Eickson

Commissioners

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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(Decision No. 8179)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT MIKELSON AND MARTIN MIKELSON,)
DOING BUSINESS AS MIKELSON BROTHERS,)
FOR AN EXTENSION OF CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 307-AAAAA-B

August 3, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicants;
Z. D. Bohrer, Esq., Denver, Colorado,
for Castle Rock Truck Line and The
Motor Truck Common Carriers Association
and Hilltop and Denver Truck Line;
Bert Hall, Parker, Colorado,
for Scott Truck Line, Hall Truck Line
and Homer S. Jessup.

S T A T E M E N T

By the Commission:

Applicants Albert Mikelson and Martin Mikelson, doing business as Mikelson Brothers and operating the Franktown Truck Line, heretofore have operated a motor vehicle common carrier service under authority of the Commission, PUC No. 202, for the transportation of live stock, farm produce and farm supplies, from Franktown and points within a radius of six miles thereof to Denver.

They now seek authority to extend said certificate to include the transportation of live stock, farm produce (excluding milk and cream), farm supplies and equipment, between points within an area described as "Beginning at a point 10 miles east of Franktown, thence south 15 miles, thence west to the West Douglas County Line, thence northeasterly along said County Line to a point due west of Parker, thence east to a point due north of the point of beginning, thence south to the point of beginning" and from and to points in said area to and from points in the State of Colorado.

They do not propose to extend their town to town service, and especially

they do not contemplate the transportation of merchandise between towns, except as already authorized.

The evidence disclosed that there was considerable demand for their proposed transportation service from people residing in the territory which they intend to serve, especially from residents of the western part thereof.

While the area embraced in their application conflicts somewhat with territories allocated to existing common carrier call and demand services, there was no objection to issuance of certificate from anyone appearing at the hearing, except Verne S. Perrine. Mr. Perrine was authorized in Application No. 1445 to transport freight (1) within the town of Monument; (2) between Monument and points within a 15-mile radius thereof, (3) between Monument and points within said radius and Colorado Springs, and (4) transportation of live stock only between Monument and a 15-mile radius thereof and Denver.

Mr. Perrine testified that he needed all the business he could get; that the mountains were but a short distance from Monument on the west; that he was obliged to go north, south and east for his business, and that in his judgment the public convenience and necessity did not require an additional service.

It would seem from the record that there is no necessity for an additional service in Perrine's territory and that it should be excluded from the territory for which service hereinafter is authorized.

After a careful consideration of the record, the Commission is of the opinion, and finds that, except as to service in that part of the territory embraced in Perrine's certificate which will conflict with Perrine's service, public convenience and necessity require the proposed operation of applicants from, to and between points in the territory described in the application herein, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed service of Albert Mikelson and Martin Mikelson, doing business

as Mikelson Brothers (Franktown Truck Line) for the transportation, not on schedule, of live stock, farm produce (excluding milk and cream), farm supplies and equipment, between points within an area described as:

"Beginning at a point 10 miles east of Franktown, thence south 15 miles, thence west to the West Douglas County Line, thence northeasterly along said County Line to a point due west of Parker, thence east to a point due north of the point of beginning, thence south to the point of beginning";

and from and to points in said area to and from points in the State of Colorado, provided, however, that applicants shall not engage in any transportation service under this extension which would be in competition with the service heretofore authorized to be performed by Verne S. Perrine in Application No. 1445, Decision No. 2553, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 3rd day of August, 1936.

Edward V. O'Connell

W. D. Danks

W. A. Erickson
Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF M. H. MAINORD FOR AUTHORITY TO)
TRANSFER PRIVATE PERMIT NO. A-618)
TO JOE MAINORD.)

APPLICATION NO. 3362-PP-A

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August 3, 1936.

Appearances: Joe Mainord, Platteville, Colorado,
for applicants;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On February 19, 1934, a permit to operate as a private carrier by motor vehicle for hire, No. A-618, issued to M. H. Mainord. The operation was to be over Condensery Route No. 10, northwest of Platteville to Fort Lupton, Colorado. Applicant now seeks authority to transfer said permit to Joe Mainord.

The evidence disclosed that transferee is a son of transferor and has been conducting the operation for his father for a number of years; that his father now wants to transfer said permit to his son so that the son, besides being the operator, will be the owner of the permit.

The financial standing of the transferee was established to the satisfaction of the Commission, and there are no outstanding unpaid obligations against said operation.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That M. H. Mainord should be, and he hereby is authorized to transfer private permit No. A-618 to Joe Mainord.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dineen

W. L. Dank

Wm. E. Egan

Commissioners

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD FREELAND.)

CASE NO. 1781

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-856 should not be suspended or revoked for his failure to keep on file with the Commission the required insurance, file a list of his customer and a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-856, heretofore issued to Harold Freeland, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. L. Danks
Malcolm G. Bickner
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARLO KELLOGG.)

CASE NO. 1782

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-869 should not be suspended or revoked for his failure to file a list of his customers, a description of his equipment, the necessary insurance required by law and the rules and regulations of the Commission, and to make monthly highway compensation tax reports.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-869, heretofore issued to Arlo Kellogg, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. C. Danks
Malcolm E. Vivian
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

~~CONTROL~~
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(Decision No. 8183)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. M. VOSS.)

CASE NO. 1783

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit should not be suspended or revoked for his failure to make highway compensation tax reports since January, 1935, keep on file with the Commission the necessary insurance, file a list of his customers and a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-870, heretofore issued to L. M. Voss, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Connell
W. C. Danks
Harold Erickson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF MAX
MANZANARES FOR A CLASS "B" PERMIT TO OPERATE
RATE AS PRIVATE CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 3172-PP

August 3, 1936

Appearances: A. J. Frageau, Denver, Colorado, for
Weicker Transportation Company;
Sam P. Taylor, Esq., Walsenburg, Colorado,
for Huerfano Truck Line.

S T A T E M E N T

By the Commission:

The above styled matter was regularly set for hearing at Walsenburg on April 24, 1936. Applicant did not appear at the hearing. Thereupon said application was dismissed for lack of prosecution.

On May 20, application for rehearing was filed herein by applicant, who stated that he received copy of order dismissing the application on May 18, 1936, but he had not received copy of the notice of hearing of his application, and for that reason had not attended said hearing; that he desires to prosecute said application and asks that said order of dismissal be set aside and said matter set for further hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission heretofore entered herein, Decision No. 7621, dismissing said application for lack of prosecution should be and the same is hereby set aside and held for naught.

IT IS FURTHER ORDERED, That said Application No. 3172-PP should be, and the same hereby is set for hearing in the District Court Room of the Court House at Walsenburg, Colorado, on the 20th day of August, 1936, at 9:30 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Frageau
W. C. Danks
Walter S. Smith
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

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

CASE NO. 1784

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-871 should not be suspended or revoked for his failure to make monthly highway compensation tax reports, file with the Commission the required insurance, a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-871, heretofore issued to J. E. Barrett, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
W. E. Danks
Walter E. Danks
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK KNOPPENBERGER.)

CASE NO. 1785

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-876 should not be suspended or revoked for his failure to make monthly highway compensation tax reports, keep on file with the Commission the necessary insurance required by law and the rules and regulations of the Commission, file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-876, heretofore issued to Frank Knoppenberger, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
W. L. Danks
Walter E. Nickerson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF L. C. AYDLOTT.)

CASE NO. 1786

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-874 should not be suspended or revoked for his failure to make monthly reports from May, 1935, to date, keep on file with the Commission the necessary insurance, file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-874, heretofore issued to L. C. Aydlott, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Duce
McDanks
Malcolm G. Wilson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
K. E. TANIS TRUCK LINE.)

CASE NO. 1787

August 3, 1936.
-----Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.S T A T E M E N TBy the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-883-I should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance, file a list of his customers and description of his equipment.

The evidence disclosed that prior to date of hearing on said matter, but subsequent to issuance of show cause order, respondent had satisfied all of the above delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deane
McDanks
Walter E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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(Decision No. 8189)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE GRAY.)

CASE NO. 1788

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-894 should not be suspended or revoked for his failure to make monthly highway compensation tax reports, file the required insurance and a description of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-894, heretofore issued to Joe Gray, should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Darrach
W. C. Danks
Malcolm E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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(Decision No. 8190)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK WOJTACHE.)

CASE NO. 1789

August 3, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-897 should not be suspended or revoked for his failure to make monthly reports, keep on file with the Commission the necessary insurance, file a list of his customers and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied. However, on July 6, 1936, the Commission received a letter from respondent stating that he had not done any hauling for three or four months and would let us know when he was ready to resume operations. However, no reports were included for the period he was operating from February, 1935, until February, 1936.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-897 be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Cress
W. L. Danks
Walter E. Wilson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

B-1000 ✓
CONTROL

* * *

IN THE MATTER OF THE APPLICATION OF
COOLEY BROS. MOSCA, COLO. FOR A CLASS
"B" PERMIT TO OPERATE AS A PRIVATE
CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 3313-PP

August 3, 1936.

Appearances: O. B. Cooley, Mosca, Colorado,

pro se;

T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc;

J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transp. Co;

M. F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Assn., Andis
and Curtis;

A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Co., The Motor
Truck Common Carriers Assn. and The
Pueblo-San Luis Valley Transp. Company.

S T A T E M E N T

By the Commission:

From the testimony given at the hearing it appears that O. B. Cooley and A. B. Cooley do business as Cooley Brothers, Mosca, Colorado, and in connection with their farming operations which are primarily devoted to beet growing, they desire to conduct a transportation service between Rocky Ford and the San Luis Valley for the American Crystal Sugar Company only, and to render a transportation service for other customers in the valley, as listed, upon call and demand. It appeared that the Sugar Company transports a large quantity of seed from their distributing point at Rocky Ford to the San Luis Valley; and according to the statement of Mr. George W. Nixon, Field Manager for the Sugar Company, there is a great deal of loss in transit, especially when beet seed is transferred from one carrier to another. Mr. Nixon also stated that they had experienced a great deal of trouble in having the different kinds of seed ricked so that it could be readily found, and that the services of Cooley Brothers was very satisfactory in the past; that the Cooley's also were experienced in moving beet loaders, and that at this time he was offering them the job to

move beet loaders from San Luis Valley to Westcliffe and another to Florence, Colorado; that the movement of loaders was transportation, plus service; that he paid 80¢ per hundred for the transportation of seed from Rocky Ford to the Valley in 10,000 pound lots, and that this was more than 20% above the prescribed Commission rate which he was pleased to pay.

Applicant O. B. Cooley stated that what they wanted was authority to transport farm products, including livestock and farm machinery between farms and shipping points within a radius of seven miles of Mosca, and between points outside of this area within a radius of 50 miles of Mosca, all for customers residing in the smaller radius and to transport beet seed and beet machinery from Rocky Ford to the Valley for the one customer, namely the American Crystal Sugar Company; that aside from this one movement, the applicant desired to conduct no town to town transportation service, the remainder being strictly farm service.

It was disclosed that the Weicker service plus the Pueblo-San Luis Valley Transportation service would be a through movement from Rocky Ford to the Valley. However, it was not convenient for the San Luis Valley Transportation Company to render service in connection with the movement of beet loaders as required by the American Crystal Sugar Company, nor was it desirable to render any special service in connection with the handling of beet seed to cellars distant from the line haul.

Upon Mr. Cooley confining his outside operations to one customer only, objections were withdrawn to the transportation of beet seed and beet machinery from Rocky Ford.

The applicants have an International truck as well as other property and their financial standing and reliability was established to the satisfaction of the Commission.

After careful consideration of the record and the testimony, together with the limitation that all operations outside of the San Luis Valley, along the line of scheduled common carriers would be limited to one customer, namely the American Crystal Sugar Company, the Commission is of the opinion and so finds, that the authority as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That O. B. Cooley and A. B. Cooley, co-partners, doing business as Cooley Brothers, Mosca, Colorado, be, and they hereby are granted a Class B permit to operate as a private carrier by motor vehicle, for hire, for the transportation of beet seed and beet machinery from Rocky Ford to points in the San Luis Valley for the American Crystal Sugar Company; the transportation of beet loaders from point to point in the San Luis Valley to Westcliffe, Salida and Florence, from Hamlet to Walsenburg, Prowers to Portland and Lubers to Canon City, all for said company; and the transportation of farm products including livestock from point to point within a radius of seven miles of Mosca, Colorado, and between points within this area and points outside thereof within a radius of fifty miles of Mosca, Colorado, all for customers residing in the smaller area, and this order shall be taken as authority for the above operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell
W. A. Danks
Walter J. Smith
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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B-1604

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE ANDREATTA, JR., ALMONT, COLO.)
FOR A CLASS "A" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3311-PP

August 3, 1936.

Appearances: W. S. Rush, Esq., Salida, Colorado, for
the applicant;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc;
M. F. Jones, Esq., Longmont, Colorado, for
Colorado Trucking Assn. and John Betz;
Mr. A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Co.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks a Class B permit to operate as a private carrier for the transportation of used furniture from point to point within a six mile radius of Almont, Colorado; livestock from point to point within said area and to points outside (except to Pueblo); and freight generally from point to point within said area and between said area and points outside thereof for customers residing therein; however, not to include the hauling of freight between Gunnison, the town of Almont and Jack's Cabin.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that upon the stipulation agreed to by the applicant, eliminating line haul freight between Denver and Gunnison, Almont and Jack's Cabin, and the elimination of livestock to Pueblo, all in competition with authorized common carriers, the remainder of the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That George Andreatta, Jr., living north of Almont, Colorado, be, and he hereby is granted a Class B permit to operate

as a private carrier by motor vehicle for hire, for the transportation of used furniture from point to point within a radius of six miles of Almont, Celerade, and between points in said area and points outside thereof; for the transportation of livestock from point to point within said area ~~to~~ ~~range~~, to Denver, and other points outside thereof, excluding Pueblo, all for customers residing in said area; and for the transportation of freight generally for his customers residing in said area, between points therein and outside points provided the applicant shall not transport freight between Denver and Gunnison, the town of Almont and Jack's Cabin in competition with scheduled common carriers now serving these places, and this order shall be authority for the above operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Decker

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Wm. Simon
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. J. DESCH.)

CASE NO. 1790 ✓

August 3, 1936.
-----Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.S T A T E M E N TBy the Commission:

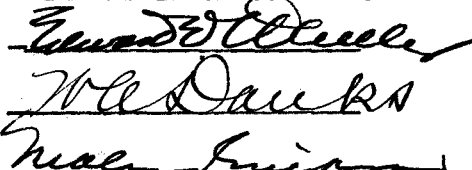
On July 1, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-899 should not be suspended or revoked for his failure to file a list of his customers and a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied. However, the Commission is in receipt of a communication from Mr. Desch dated July 11, 1936, stating that he has not been using his permit and "please take it out of service". He also stated that he does not have a truck at this time, that he does not haul coal during the summer and may not be in business again.

After a careful consideration of the record, the Commission is of the opinion, and finds that said permit should be revoked, with the right to reinstate said automatically by filing a list of his customers and description of his equipment and otherwise complying with all our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-899, heretofore issued to J. J. Desch, be, and the same hereby is revoked; provided, however, that said permit may be automatically reinstated by permittee filing a list of his customers and description of his equipment, and otherwise complying with our rules and regulations, at any time within six months from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Commissioners.Dated at Denver, Colorado,
this 3rd day of August, 1936.

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DISMISSED

(Decision No. 8194)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. B. ADAMS.)

CASE NO. 1791

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-900 should not be suspended or revoked for his failure to file a list of his customers and description of his equipment as required by our rules and regulations.

The evidence disclosed that prior to the date of said hearing, but subsequent to issuance of said show cause order, respondent filed a list of his customers and description of his equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker
W. E. Danks
W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SCOTT TRUCK LINE.)

CASE NO. 1792 ✓

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why its private permit No. A-904 should not be suspended or revoked for its failure to make reports, keep on file with the Commission the necessary insurance, and file a list of its customers and description of its equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-904, heretofore issued to Scott Truck Line, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
W. E. Dwyer
W. E. Dwyer
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROCKY MOUNTAIN TRANSIT COMPANY.)

CASE NO. 1795 ✓

August 3, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why its private permit No. A-920 should not be suspended or revoked for its failure to make monthly reports, keep on file with the Commission the required insurance and file a description of its equipment.

The evidence disclosed that the above mentioned delinquencies have not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-920, heretofore issued to Rocky Mountain Transit Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deane
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1 36.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
IRA W. BILLINGS.)

CASE NO. 1794

August 5, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-919 should not be suspended or revoked for his failure to make monthly reports from July, 1935, to date of said order, keep on file with the Commission the required insurance and file a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No.A-919, heretofore issued to Ira W. Billings should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. DeLoach
W. D. Danks
James E. ...
, Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
UNION TRANSPORT COMPANY.)

CASE NO. 1796

August 5, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-922 should not be suspended or revoked for its failure to make monthly highway compensation tax reports, keep on file with the Commission the required insurance, file a list of its customers and description of its equipment.

The evidence disclosed that the above delinquencies had been satisfied.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. S. Danks
James E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

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(Decision No. 8199)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF RALPH E. DAVIS AND JOHN TOLBERT)
ESTATE FOR CANCELLATION OF TRANSFER)
OF PERMIT NO. A-633 AND REINSTATEMENT)
OF SAID PERMIT TO ITS ORIGINAL STATUS)
AND TRANSFER OF SAID PERMIT TO FOREST)
CONOVER OF FORT MORGAN.)

APPLICATION NO. 2847-PP-AA

August 5, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado, for
Motor Truck Common Carriers Association
and Northeastern Motor Freight.

S T A T E M E N T

By the Commission:

On March 22, 1934, private permit No. A-633 issued to Ralph E. Davis for the operation of motor vehicle service between Wray and Denver and intermediate points, via Colo. State Highway No. 54, U. S. Highway No. 6 to Greeley and U. S. Highway No. 85 to Denver, or via short-cut Colo. State Highway No. 81 and between Yuma and Heartstrong, via Colo. State Highway No. 59.

On March 3, 1936, in Decision No. 7304, the Commission authorized the transfer of that part of said permit No. A-633 which authorized the transportation of freight between Yuma and Wray, Colorado and intermediate points, to John Tolbert, said Ralph E. Davis and John Tolbert after hearing on application to transfer, having consented that remainder of said application might be cancelled.

On April 13, 1936, Lucile Tolbert, Ralph E. Davis and Forest Conover filed their petition with the Commission asking that the Decision No. 7304 be set aside and said permit be "reinstated to its original form" and authority granted to transfer said reinstated permit to Forest Conover, because John Tolbert had died prior to consummation of said authorized transfer.

The application was set for hearing at Sterling, Colorado, on July 14, 1936, at 10 o'clock A. M.

The evidence disclosed that Mr. Tolbert died before the consummation of the transfer authorized by the Commission; that petitioner Lucile Tolbert is the widow of John Tolbert, him surviving, and does not care to consummate said transfer and is willing that the order permitting the transfer be revoked; that the consideration for said transfer, namely, \$60, was never paid by Tolbert to Davis; that all filed claims outstanding against the operation of said Davis, with the exception of a short check for \$7.00 payable to Pott's Filling Station at Greeley, short check for \$2.90 payable to Reid Filling Station at Greeley, and an unliquidated claim of the Nourse Oil Company in the sum of \$70.62, have been paid; that transferee Forest Conover is authorized to operate as a Class A private carrier for the transportation of cement, plaster and brick only from Fort Collins to Fort Morgan, that he does not contemplate immediately serving points between Fort Morgan and Denver under the transferred permit, but does propose to serve Fort Morgan and points east (except Yuma and Otis), and that he is willing to satisfy claims against Davis to the extent of the consideration of \$60, which he expects to pay for the permit.

Since the record shows that Mr. Davis lost his truck and ceased operating in September of 1935, and that while operating he chiefly transported oil and coal from Denver to Yuma without serving intermediate points; that there are unpaid claims against his operation in excess of the consideration; that said permit was cancelled with his consent except as to service between Yuma and Wray and intermediate points; and applicant proposes if said cancellation is set aside and transfer of entire permit is authorized, to institute a line haul service for the transportation of freight generally between Denver and Fort Morgan and other points east of Morgan, except Yuma and Otis (which were included in that part of the permit which was to be transferred under our order of March 3, 1936), which proposed service on a number of occasions in other applications we have held is not desirable in view of status of common carrier operations now in the field, and inasmuch as in our judgment under this record we should treat an application to reinstate and cancel permit in the same manner as we would an original application

for the same authority, we believe that the application for reinstatement should be denied but that that portion of the said order which authorized transfer by Davis to Tolbert of that part of private permit No. A-633 which included the transportation of freight between Yuma and Wray, and intermediate points, should be set aside and said Davis authorized to transfer said permit as limited to Forest Conover, subject to the payment of outstanding claims by said Conover.

After a careful consideration of the record, the Commission is of the opinion and finds that said application for reinstatement of said permit as it existed prior to the order of the Commission of date March 3, 1936 (Decision No. 7304), and permission to transfer said permit in its original form as requested to Forest Conover, should be denied and that said Ralph E. Davis should be authorized to transfer said private permit No. A-633, which now authorizes the transportation of freight between Yuma and Wray, Colorado and intermediate points, only, to Forest Conover if he so desires provided that said Forest Conover shall assume and pay the claims of Pott's Filling Station, Reid Filling Station and Nourse Oil Company against said operation in the event they are not satisfied by said Ralph E. Davis.

O R D E R

IT IS THEREFORE ORDERED, That application for reinstatement of private permit No. A-633 to include service between Wray and Denver, Colorado and intermediate points, via Colo. State Highway No. 54, U. S. Highway No. 6 to Greeley and U. S. Highway No. 85 to Denver, or via short-cut Colo. State Highway No. 81 and between Yuma and Heartstrong, via Colo. State Highway No. 59, should be, and the same hereby is, denied, and that authority should be, and hereby is, granted to said Ralph E. Davis to transfer private permit No. A-633 which as now in effect authorizes the transportation of freight between Yuma and Wray, Colorado and intermediate points, to Forest Conover, provided that said Forest Conover shall assume and pay claims of Pott's Filling Station, Reid Filling Station and Nourse Oil Company against said operation in the event same are not satisfied by said Ralph E. Davis.

IT IS FURTHER ORDERED, That the right of transferee to operate under

this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. O'Connell

W. L. Danks

Wesley E. Evers

Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
LOUIS F. AND LILLIE E. HENNIG, DOING)
BUSINESS AS CITY TAXI, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECES-)
SITY, TO OPERATE TAXI SERVICE BETWEEN)
BOULDER AND BLANCHARDS' LODGE AND)
BLANCHARDS' LODGE AND BOULDER, COLO.)

APPLICATION NO. 3334

August 5, 1936 .

Appearances: Lillie E. Hennig, Boulder, Colorado,
for City Taxi.

S T A T E M E N T

By the Commission:

On July 13 Louis F. Hennig and Lillie E. Hennig, doing business as the City Taxi, Boulder, Colorado, filed their application for a certificate of public convenience and necessity to establish a one-way service between Boulder and Blanchard's Lodge and between Blanchard's Lodge and Boulder.

This application was set for hearing at Denver, Colorado, on July 16, pursuant to notice. The Kite and Glacier Route filed a written protest but made no personal appearance at the hearing.

Lillie E. Hennig testified at the hearing that she and her husband, Louis F. Hennig had been in the taxi business in the City of Boulder for many years and that they now sought authority to establish a service between Boulder and Blanchard's Lodge; that Mr. and Mrs. J. C. Doherty, proprietors of Blanchard's Lodge had made many requests for their service and that a number of the guests at Blanchard's Lodge, or persons enroute to Blanchard's Lodge called upon them at Boulder to furnish transportation; that the applicants, not having authority, were obliged to decline the service. Mrs. Hennig further stated that the Kite and Glacier Route did not maintain any adequate service to Blanchard's Lodge and that there was no other means of transportation from Boulder to Blanchard's which could be depended upon to transport guests to and from this resort; that the mail carrier over this route made his trips, according to a schedule which did not meet the requirements of transportation lines

coming to Boulder with passengers destined to Blanchard's Lodge.

It also appears from the protest of the Kite and Glacier Route that during the year 1935, they, for some reason, transported only one customer to Blanchard's Lodge.

The applicants herein do not propose a scheduled operation but desire to hold themselves out as carriers for hire for the transportation of passengers travelling one way only, and to be ready with this service upon call at any time. It appeared from the testimony that guests destined to Blanchard's Lodge, invariably wanted only a one-way transportation and when returning to Boulder likewise desired one-way transportation.

Exhibit A attached to the application sets forth the one-way fares to be charged.

The applicants have two Chevrolet sedans, one a 1931 and the other a 1934, which equipment they desire to use in the proposed service. The financial standing and reliability of the applicants was established to the satisfaction of the Commission.

After careful consideration of the record and the testimony given at the hearing the Commission is of the opinion and finds that the present and future public convenience and necessity require the proposed motor vehicle carrier system of the applicants, the City Taxi, for the carrying of passengers and baggage to and from Boulder and Blanchard's Lodge.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the proposed motor vehicle carrier operations of the applicants herein, Louis F. Hennig and Lillie E. Hennig, doing business as City Taxi, for the transportation of passengers and baggage to and from Boulder, Colorado and Blanchard's Lodge, located some four miles up Boulder Creek from Boulder, on call and demand and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That this order shall become effective ten days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a

period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SOUTHWESTERN TRANSPORTATION COMPANY)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 1859-B

IN THE MATTER OF THE APPLICATION OF)
SOUTHWESTERN TRANSPORTATION COMPANY)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 1892-B

August 5, 1936.

S T A T E M E N T

By the Commission:

It appears that heretofore the Southwestern Transportation Company has been issued a certificate of public convenience and necessity by the Commission authorizing the transportation of freight from point to point within the city of Canon City, and between points within a radius of 35 miles thereof and between points within said radius and other points within the State of Colorado, provided, however, that said Southwestern Transportation Company should not transport any freight consigned to or destined from points on the Westcliffe Branch of The Denver and Rio Grande Western Railroad Company.

We are now in receipt of a petition from said Southwestern Transportation Company, requesting the Commission to grant them authority to extend their present operations to include the transportation of fresh fruits and vegetables from all points along said Westcliffe Branch of The Denver and Rio Grande Western Railroad Company to all points in the State of Colorado.

It is alleged in said petition that the Denver and Rio Grande Western Railroad Company is not rendering adequate service to meet the needs of the shippers of less than carload lots of various fruits and vegetables in said district, and accompanying said petition is a letter from said Denver and Rio Grande Western Railroad Company withdrawing all objections to the granting of the extension of authority sought by applicant upon the ground "that call and demand service by a reliable operator will tend to minimize the transportation of fruit and vegetables by private and itinerant carriers at cut rates".

It is further alleged in said petition that no rights of any other carrier would be affected, except possibly those of J. W. Loens operating from Westcliffe to Pueblo.

We are requested to grant this additional authority without hearing upon the ground that the movement of fresh fruits and vegetables from said area is now at its peak and any delay in granting of the authority sought by applicant would result in harm to the shippers of said area, as well as to petitioners. In a letter accompanying said petition, it is suggested that any operations to Pueblo be not authorized for twenty days in order that said J. W. Loens might protest if he so desires.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that an emergency exists in connection with the movement of fruits and vegetables in less than carload lots from the so-called Westcliffe Branch area, and that the public convenience and necessity require the granting of the extension sought, and that no adverse rights would be affected by granting the prayer of applicant's petition without the necessity of a formal hearing, subject to the conditions hereinafter expressed.

O R D E R

IT IS THEREFORE ORDERED, That Decision No. 4005 be, and the same is hereby, amended to authorize the Southwestern Transportation Company to transport fruits and vegetables in less than carload lots from all points along the Westcliffe Branch of The Denver and Rio Grande Western Railroad Company to all points in the State of Colorado, subject to the following conditions:

(a) No transportation of fresh fruits and vegetables shall be made from said area to Pueblo, Colorado, for a period of twenty days from the date of this order nor thereafter provided any complaint against the granting of such authority is filed by the said J. W. Loens within said period, until said matter can be determined.

(b) That the authority herein granted shall be immediately discontinued upon complaint of any authorized motor vehicle carrier, provided it should develop that such carrier might be adversely affected by the authority herein granted and said complaint is made within thirty days from the date hereof.

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

IT IS FURTHER ORDERED, That this order shall become effective upon the day of the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Walter E. Eason

Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

~~CONTROL~~
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(Decision No. 8206)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF HJALMER LARSEN FOR A CLASS B)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3345-PP

August 5, 1936.

Appearances: Hjalmer Larsen, 109 No. 9th Ave.,
Sterling, Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for Northeastern Motor Freight, Inc.,
and Motor Truck Common Carriers Associa-
tion;
Roy J. Robertston, Sterling, Colorado,
for Northeastern Truck Company;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation of building materials and coal for the Platte Valley Lumber Company and the Schillig-Scott Lumber Company of Sterling, Colorado to points in Sterling and within a radius of 12 miles thereof.

The evidence disclosed that Mr. Larsen has been operating a delivery service for the two companies named for the past nine years.

The operating experience and responsibility of applicant generally were established to the satisfaction of the Commission.

No objection on the part of protestants was made to the issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Hjalmer Larsen should be, and he hereby is, authorized to operate as a private carrier by motor vehicle for hire for the transportation of building materials and coal for the Platte Valley Lumber

Company and the Schillig-Scott Lumber Company of Sterling to points in Sterling and within a radius of 12 miles thereof.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel W. Oliver

W. C. Danks

Walter S. Hines

Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WILLIAM BLANKENBECKLER FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 3542

August 5, 1936.

Appearances: George E. McConley, Esq., Sterling, Colorado,
for applicant;
Marion F. Jones, Esq., Longmont, Colorado, for
Hawkins and Vandenberg, Armond Goodman,
J. H. and F. V. Hellbusch, and E. F. Anderson;
Zene D. Bohrer, Esq., Denver, Colorado,
for Northeastern Motor Freight and Motor
Truck Common Carriers Association;
R. N. Sandhouse, Esq., Sterling, Colorado,
for Chicago, Burlington and Quincy Railroad
Company.

S T A T E M E N T

By the Commission:

Applicant William Blankenbeckler herein seeks a certificate of public convenience and necessity for the transportation of farm machinery, livestock, hay, grain, building material and sugar beets from point to point within a radius of 15 miles of Sterling, Colorado and from and to points in said area to and from points in the State of Colorado.

The evidence disclosed that applicant owns a 1932 Studebaker 2-ton truck of the value of \$650 which he proposes to use in said contemplated operation; that he has been engaged in business for a number of years and chiefly has transported livestock from farms to railroad loading points, to feed lots in said area and to sales barns at Sterling, with occasional trips to Denver, and livestock from said sales barns to said farms; farm products from farms to loading points and storage points in said area, farm machinery and building supplies from Sterling to farms in said area, and samples from beet dumps to Great Western Sugar Company factories, also, he has moved farmers from farm to farm, farm to town and town to farm in said area. He has not rendered and does not propose to render a town to

town service and does not intend to compete with line haul carrier services. His transportation of commodities from Denver has been limited to the transportation of coal which he has purchased.

A number of witnesses testified that public convenience and necessity require a continuation of his operations which, it will be observed, do not include the transportation of commodities (except livestock to Denver) from and to points in said area to and from points in the State of Colorado.

No testimony was offered in opposition to the granting of said certificate.

After a careful consideration of the record, the Commission is of the opinion and finds that public convenience and necessity requires the motor vehicle common carrier service of applicant as limited by this order, for the transportation of farm products and other commodities hereafter enumerated from, to and between points hereinafter described, and that certificate of public convenience and necessity therefor should be granted to said applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant William Blankenbeckler for the transportation, not on schedule, of farm products (excluding livestock) from farms within a radius of 15 miles of Sterling, Colorado to loading points and storage points (including beet dumps) in said area, building materials from Sterling to said farms, used farm machinery, household goods and equipment from farm to farm, farm to town and town to farm in said area, livestock from farms in said area to railroad loading points in said area, to sales yards in Sterling and to Denver (specifically excluding transportation of livestock from Sterling to Denver), and beet samples from beet dumps in said area to Great Western Sugar Company's factories, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor, provided, however, that said applicant under this certificate except for the transportation of livestock between Denver and Sterling as indicated shall not operate between points served by scheduled motor vehicle or railroad common carrier service.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Brien
W. L. Danks

Walter E. Hinkley
Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1936.

CONTROL
23

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
JOHNNY VIEBROCK.

CASE NO. 1761

August 5, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the operations of Johnny Viebrock, under his private permit No. A-696, for his failure to file the necessary insurance, to report equipment used and to make monthly reports and pay highway compensation tax for the months October, November and December, of 1935 and for the months January to June, inclusive, of 1936.

The case was called for hearing at State Office Bldg., Denver, Colo., on July 22, 1936, at 10 o'clock A. M., at which time and place the respondent failed to appear and failed to make any answer to the show cause order.

After careful consideration of the record and the testimony of the Secretary of the Commission, the Commission is of the opinion and finds that the respondent has failed to comply with the rules and regulations of the Commission and that his permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-696, heretofore issued to Johnny Viebrock, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. W. Danks

W. L. Danks

Wm. E. Eason

Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATION OF

I. W. BAWDEN.

CASE NO. 1753

August 5, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against I. W. Bawden, holder of private permit No. A-702, for his failure to keep on file with the Commission the necessary insurance as required by the rules and regulations of the Commission.

This case was called for hearing, after due notice, at State Office Bldg., Denver, Colo., at 10 o'clock A. M., on July 22, 1936, at which time and place the respondent failed to appear, and the testimony of the secretary of the Commission disclosed that the respondent did file a copy of his insurance policy which was not countersigned and which was immediately returned for the proper signature. However, no response has been made to the communication and no insurance is on file at the present time.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that respondent has failed to comply with the rules and regulations of the Commission by providing the necessary insurance, and that his permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-702, heretofore issued to I. W. Bawden, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock

W. C. Danks

Ernest E. Pollock

Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
EARL TROMBLE.

CASE NO. 1730

August 5, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Earl Tromble, holder of private permit No. A-632, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file a list of customers, a description of equipment, provide the necessary insurance and failed to make monthly reports and pay highway compensation tax for the year 1935 and from January, 1936 to date.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place applicant failed to appear.

The Secretary of the Commission testified that on July 9, 1936, the respondent did report a list of his equipment and on the same date gave notice that the necessary insurance had been obtained. As yet he has failed to provide list of customers and has failed to make reports above indicated.

After careful consideration, the Commission is of the opinion and finds that the respondent has failed to comply with the rules and regulations of the Commission and that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-632, heretofore issued to Earl Tromble, be, and the same hereby is, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Pollock

W. C. Danks

Wm. E. Wilson

Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

E. C. EDWARDS.)

CASE NO. 1729 ✓

August 5, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against E. C. Edwards, holder of private permit No. A-626, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file a list of customers, furnish a description of his equipment used by him in his operation, and to provide the necessary insurance.

This case was called for hearing at State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M., at which time and place respondent failed to appear.

The Secretary of the Commission testified that he was in receipt of a communication from the respondent disclosing the fact that the respondent was not at this time following the trucking business, having turned his customers over to Jake Jordan, and that he requested the suspension of his permit for a period of six months.

After careful consideration of the record, the Commission is of the opinion and finds that the request made by the respondent in this case should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-626, heretofore issued to E. C. Edwards, be, and the same hereby is, suspended for a period of

six months from the date of this order, provided that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

Wm. E. Simon
Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
RINGSBY MOTOR EXPRESS.)

CASE NO. 1727

August 5, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Ringsby Motor Express, holder of private permit No. A-619, for its failure to comply with the rules and regulations of the Commission in that said company failed to file list of customers, furnish description of equipment and provide the necessary insurance.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 23, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the respondent failed to appear.

The Secretary of the Commission testified that insurance was on file on April 1, 1936, but that to date no list of customers had been reported and no description of equipment had been provided as required by the rules of the Commission.

After careful consideration, the Commission is of the opinion and finds that respondent has violated the rules and regulations of the Commission and that his permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-619, heretofore issued to Ringsby Motor Express, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

McDanks

Maureen E. Simon
Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
S. A. WHEELER.)
-----)

CASE NO. 1728

August 5, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against S. A. Wheeler, holder of private permit No. A621, for his failure to comply with the rules and regulations of the Commission in that he failed to file a list of customers, a description of equipment, provide the necessary insurance and make monthly reports and pay highway compensation tax for the months of October, November and December of 1935, and from January, 1936 to date.

This case was called for hearing at State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place respondent failed to appear.

The Secretary of the Commission testified that the respondent was still in default on all of the above delinquencies.

After careful consideration of the record, the Commission is of the opinion and finds that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-621, heretofore issued to S. A. Wheeler, should be, and hereby is, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler

W. C. Danks

Maureen E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

CONTROL

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
H. S. HARP AND THAD S. HARP, DOING
BUSINESS AS HARP BROTHERS, FOR AN
EXTENSION OF CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY, AUTHORIZ-
ING THE TRANSPORTATION OF FREIGHT
IN AND OUT OF RIO BLANCO COUNTY, IN
IRREGULAR SERVICE.

APPLICATIONS NOS. 632-A-B and 1692-B

* * * * *

August 5, 1936 .

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicants;
J. M. Meador, Esq., Craig, Colorado,
for Comet Motor Express Company;
J. R. Clark, Esq., Meeker, Colorado,
for Janes Brothers.

S T A T E M E N T

By the Commission:

Applicants H. S. Harp and Thad S. Harp for a number of years have operated a motor vehicle common carrier service under the name and style of Harp Brothers. In application No. 632, Decision No. 1216, they were authorized to operate as common carriers in the transportation of passengers, express and freight between the town of Rifle in Garfield County, Colorado, and the town of Meeker, Rio Blanco County, Colorado, and intermediate and adjacent territory thereto. In Application No. 1692, Decision No. 3224, they were authorized to operate as common carriers for the transportation of freight to and from Grand Junction and Glenwood Springs only from and to points in Rio Blanco County. In Application No. 632-A, on April 28, 1936, Decision 7551, they were authorized to abandon the transportation of passengers between Meeker, Colorado, and Rifle, Colorado, and intermediate points.

They now seek a certificate of public convenience and necessity to extend their operations to include the transportation of freight in irregular service between points in Rio Blanco County, and between points in Rio Blanco County and all other points in the state.

The evidence disclosed that Harp Brothers have been engaged in the freighting business for a period of fifty years in the territory in question; that their net worth is approximately \$20,000; that they propose to use the same

equipment in their extended operation that they are now using, but will add additional equipment if it is required; that they have four trucks, two being 1928 models, one a 1929 model and the other a 1932 model; that Rio Blanco County is without railroad service and is dependent upon vehicle transportation, and that the public convenience and necessity require the proposed operation.

There was no objection to the issuance of the certificate by anyone.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed motor vehicle operations of applicants and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operation of applicants, H. S. Harp and Thad S. Harp, doing business as Harp Brothers, for the transportation, not on schedule, of freight between points in Rio Blanco County, and between points in Rio Blanco County and all other points in the State of Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker

W. L. Banks

Walter E. Eason

Commissioners.

Dated at Denver, Colorado
this 5th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
WILLIAM L. SIMPSON, DOING BUSINESS
AS SIMPSON TRANSPORT SERVICE.

CASE NO. 1821

August 5, 1936.

Appearances: Mr. Theo. F. Dillon, Denver, Colorado,
for the Public Utilities Commission;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
E. W. Ryer, Ree Hotel, Denver, Colorado,
for respondent.

STATEMENT

By the Commission:

On May 4, 1936, Southwestern Transportation Company complained that on or about April 16, 1936, and May 1, 1936, two truck loads of freight were transported from Yeelin Brothers Mercantile Company, 2201 Market Street, Denver, to Camp Kenwood about six miles south of Florence, by William L. Simpson, doing business as Simpson Transportation Service, under Permit No. A-607.

On June 30, 1936, in the above styled case, Decision No. 7910, the Commission entered its order requiring respondent William L. Simpson, doing business as Simpson Transport Service, to show cause why his private permit No. A-607 should not be suspended or revoked on account of the unauthorized transportation of said merchandise to Kenwood for parties not listed as customers of said Simpson Transport Service, said matter being set for hearing at Denver on July 16, 1936, at 10:00 o'clock A. M.

At the hearing, the evidence disclosed that said respondent under his permit is authorized to serve Denver to Colorado Springs, Pueblo, Fowler, Rocky Ford, Swink, La Junta, Las Animas, Lamar, Springfield, Walsenburg and Trinidad, and from Pueblo to Colorado Springs, Denver, Fowler, Rocky Ford,

Swink, La Junta, Las Animas, Lamar, Springfield, Walsenburg, Trinidad, Canon City, Salida, Buena Vista and Leadville.

Respondent through his representative admitted that on April 30, he hauled 10,590 pounds of groceries from Yeelin Brothers, Denver, Colorado, sent prepaid to a CCC Camp at Kenwood about six miles from Florence, and that the freight received therefor amounted to \$33.78, being at the rate of 41 cents per hundred, less 5 cents per cwt. delivery, less 10 per cent for 10,000 pounds. Also that on March 30, he handled a similar shipment for the same concern consigned to Camp Kenwood, which was delivered by respondent to and left at Florence on April 16, the charge therefor being 30 cents per hundred.

Stanley Blunt, for complainant, stated that the rate should have been 46 cents to Florence or Canon City, less 10 per cent for 10,000 pounds, and that in his judgment 5 per cent delivery charge should not have been deducted.

By way of excuse, respondent's representative stated that the operation at the time of the alleged violations, was in charge of one Richards who was not now connected with the carrier; that respondent in good faith charged the amount indicated for hauling the shipments and did not intentionally undercharge; that he will collect the difference between the proper charge for the shipment of April 30, and the amount charged.

If it be conceded for the purpose of disposing of the instant case, that respondent, under his permit, can serve Canon City out of Denver, he could not on the occasions mentioned serve Florence or Camp Kenwood. Furthermore, Yeelin Brothers were not listed as customers of respondent at the time the hauls were made. It also appears that the prescribed rate which should have been charged by respondent for the haul of April 30, was 46 cents, less 10 per cent for 10,000 pounds.

The sole excuse offered was that employe and not the employer was responsible for the violations. While this, if true, indicates that respondent did not willfully violate the law, nevertheless, considering that it is true, it is not sufficient excuse to justify dismissal of the complaint. A carrier is responsible for the Acts of his employ^{ee}.

Under the circumstances, we have concluded not to revoke respondent's permit and have decided to assess a penalty for the admitted violations of the

Rules and Regulations of the Commission in the manner aforesaid under the provisions of Section 61 of the Public Utilities Act, and the Commission is of the opinion, and so finds, that respondent should be assessed a penalty of Fifty Dollars (\$50.00), which is less than the amount he received for his illegal hauls, for the aforesaid violation of the Rules and Regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, that respondent W. L. Simpson, doing business as Simpson Transport Service, should be, and he hereby is assessed and ordered and required to pay a penalty of Fifty Dollars (\$50.00) for the aforesaid violations of the Rules and Regulations of the Commission, within twenty days from date of this order, and the Commission does hereby retain jurisdiction herein for such further proceedings as it may deem advisable.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. L. Danks

W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 5th day of August, 1936.

2-1603

~~CONTROL~~
2D

(Decision No. 8218)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

2-1603

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IN THE MATTER OF THE APPLICATION OF)
PAUL V. HICKMAN FOR A CLASS "A")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3357-PP

August 5, 1936.

Appearances: Mr. Paul V. Hickman, 2121 West 35th Ave.,
Denver, Colorado, pro se;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for Harold Swena and The Colorado Trucking
Association;
V. G. Garnett, Denver, Colorado,
for Colorado Rapid Transit Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class "A" permit to operate as a private carrier by motor vehicle, for hire, for the transportation of grain and other farm products from farms within a radius of 20 miles of Broomfield, Colorado, and farms near Ft. Lupton and Keenesburg to Denver, Golden and Broomfield, without back haul.

The evidence disclosed that applicant has two trucks and expects to purchase more should the business developed justify placing additional trucks in operation. Farmers listed as customers, with the exception of two, own farms that are within a radius of 10 miles of Broomfield, Colorado. Farms of H. W. Young and E. J. Sharp are near Fort Lupton and Keenesburg.

The application was opposed by Perry Lyon, of Lyon and Thompson, P.U.C. 410, who stated that they have authority to operate between points in the area extending 10 miles east, 15 miles south, 7 miles west and 4 miles north of Keenesburg, and from and to points in said area to and from Keenesburg and Denver. He contended that there is sufficient truck service in the Keenesburg area to handle the ordinary movements of grain and other farm products, except during the harvest season when combines are running. It appeared that the harvest

season is about half over. It did not appear that Mr. Young and Mr. Sharp reside in the Lyon and Thompson territory.

Mr. R. W. Markham testified that there were six common carriers and a number of private carriers operating in the vicinity of Longmont and that if the limits of applicant's territory were extended to a point 20 miles north of Broomfield, his operation would conflict with those of many authorized carriers. Carriers in said territory, however, had no objection to an area extending 10 miles north of Broomfield.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as hereinafter limited, should be granted, and that if authority were granted to operate in the territory not included in the limits fixed for said permit, said operation would impair the efficiency of those motor vehicle carriers now operating therein.

O R D E R

IT IS THEREFORE ORDERED, That Paul V. Hickman should be, and he hereby is authorized to operate as a Class A private carrier by motor vehicle, for hire, for the transportation of farm products to Denver, Golden and Broomfield for H. W. Young and E. J. Sharp from their farms near Keenesburg and Fort Lupton only, without authority to add to the number of his customers from said areas, and the transportation of the same commodities to the same points from farms within an area extending 10 miles north and 20 miles south, east and west of Broomfield, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter

be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. D. Danks

Walter E. Dineen

Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1936.

510
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF VANE GOLDEN FOR AN EXTENSION)
OF CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1614-B

August 5, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Waldo Riffenburgh, Esq., Fort Collins, Colorado,
for McMillan Transfer & Storage Company.

S T A T E M E N TBy the Commission:

Heretofore, in Application No. 1614, applicant was granted authority to conduct a transfer, moving and general cartage business in the county of Boulder, including occasional service throughout the State of Colorado. Paragraph (c) of said order provides:

"The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Longmont for the purpose of developing business."

In the instant application, applicant seeks further authority to maintain an office in Fort Collins, Larimer County, Colorado, and to solicit business in said city of Fort Collins.

On behalf of applicant, the evidence disclosed that he owns ten trucks including a closed moving van, has an established warehouse at Longmont, and has property of a total value of \$12,000.00. Between May 15, 1935, and January 1, 1936, he had made 19 trips into or out of Fort Collins.

Applicant further maintained that the present service rendered at Fort Collins is inadequate to satisfy the demands and needs of the citizens thereof, and that many residents of Fort Collins are desirous of securing his service but are unable to contact applicant without expense for the reason that he is not

authorized to maintain an office at said point. It was further disclosed that at the present time some five rover's common carrier certificates are operating out of Longmont, while only one is authorized at Fort Collins, Longmont being a city of approximately one-half the population of Fort Collins. Applicant is not seeking any local transfer work within the city of Fort Collins, and would limit his authority to the transportation of household goods into and out of said city.

On behalf of protestants, it was disclosed that the McMillan Transfer and Storage Company has the only rover's certificate authorized to operate in Fort Collins. Said concern has four units of equipment, and at the time of the hearing employed two full-time employes. They maintain a warehouse at Fort Collins and testified to the effect that there was no need for any further operations as they were capable of handling all of the business. The said McMillan Transfer and Storage Company has the right to maintain an office in Longmont. They did not maintain such office or employ any solicitor at Longmont, however, until the summer of 1935, at which time they made certain arrangements with one Kately, whereby said Kately pays them ten per cent of his gross receipts and operates under their certificate. This arrangement has never been authorized by the Commission. It appears that Kately was denied a permit by the Commission prior to the time he made the above arrangement with the McMillan Transfer and Storage Company. The Commission does not believe that the arrangement made between The McMillan Transfer and Storage Company and Kately is covered by the authority granted in the certificates issued to said Company. If they themselves desire to open an office or maintain a solicitor at Longmont, they have a perfect right so to do, but to simply authorize another motor vehicle carrier to operate under their name for a certain percentage of his gross receipts, does not comply with the spirit or the letter of the order granting their former authority.

We do not believe the record in the instant case would justify the granting of a certificate to applicant to maintain an office or solicitor in Fort Collins, except for the situation developed by the Kately arrangement, which in our opinion permits an unfair competition with the Longmont operators on the part of the McMillan Transfer and Storage Company. However, we believe that unless this situation is corrected, the applicant in the instant case should be granted the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant application should be denied, subject, however, to the right of applicant to apply for a reconsideration of this order, provided that said McMillan Transfer and Storage Company has not, within thirty days from the date hereof, cancelled its present arrangement with said Kitley and ceased from operating out of Longmont in any other manner or form than provided for in its said certificate of convenience and necessity.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby, denied; subject, however, to the right of applicant to apply for a reconsideration of this order, provided that said McMillan Transfer and Storage Company has not, within thirty days from the date hereof, cancelled its present arrangement with the said Kitley and ceased from operating out of Longmont in any other manner or form than provided for in its said certificate of convenience and necessity.

IT IS FURTHER ORDERED, That jurisdiction of the instant case be, and the same is hereby, retained to the end that the Commission may make such further orders as may be deemed necessary therein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

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Wm. E. Eason

Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1936

CONTROL
9D

(Decision No. 8220)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF I. E. LANE FOR A CLASS B PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3344-PP

August 5, 1936.

Appearances: Mr. I. E. Lane, Atwood, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colo-
rado, for Armond Goodman, John and
Francis Hellbusch, Marion J. Martin
and Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Associa-
tion and Northeastern Motor Freight, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products (excluding live-stock) from farms within a radius of 15 miles of Atwood to Sterling, Willard, Iliff, Fleming and Merino, and livestock from point to point within a radius of 15 miles of Atwood and from points in said area to Denver and Sterling.

The evidence disclosed that applicant intends to operate a farm service and does not intend to compete with line haul common carrier service except for the transportation of livestock as indicated. The proposed operation will not compete with the established services of Armond Goodman and Marion Martin.

There was no objection to the issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That I. E. Lane should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products (excluding livestock) from farms within a

radius of 15 miles of Atwood to Sterling, Willard, Iliff, Fleming and Merino, and livestock from point to point within a radius of 15 miles of Atwood and from points in said area to Denver and Sterling.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance^{and}/has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dancy

W. C. Danks

James E. ...
Commissioners

Dated at Denver, Colorado,
this 5th day of August, 1936.

CONTROL
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(Decision No. 8221)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF R. W. MARKHAM, DOING BUSINESS)
AS MEAD TRANSFER, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 3358

RE MOTOR VEHICLE OPERATIONS OF)
R. W. MARKHAM.)

PRIVATE PERMIT NO. B-1564

August 12, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
V. G. Garnett, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

R. W. Markham, doing business as Mead Transfer, herein seeks a certificate of public convenience and necessity for the conduct of a general transfer and cartage business in the town of Mead, and the transportation, not on schedule, of (1) farm products (including milk and cream), elevator products, sand, used household goods and furniture, from, to and between points within a radius of 7 miles of Mead, Colorado, (2) livestock from, to and between points within a radius of 5 miles of Mead, Colorado, (3) oil in barrels from points in the state of Colorado, cement from Fort Collins and plaster from Loveland, to Mead and points in said area, (4) farm supplies from Mead to points within a radius of 7 miles thereof.

The evidence disclosed that one C. R. Markham, father of applicant, for a number of years operated in substantially the same area for the transportation of practically the same commodities under a Class B permit; that following his decease, applicant R. W. Markham procured a Class B permit in his own name for

the same service, and now seeks, in view of the fact that it has been difficult to render an adequate service under a B permit and to list his customers, a certificate of public convenience and necessity. Should a certificate be granted, he is willing to have the B permit cancelled.

The evidence further showed that he owns a V-8 1935 Ford of the value of \$900, which he expects to use in the operation, and that public convenience and necessity require the proposed service.

The application was not opposed by other carriers.

After a careful consideration of the record, the Commission is of the opinion, and finds that the public convenience and necessity require the proposed motor vehicle common carrier service of applicant as hereinafter limited, and that a certificate of public convenience and necessity therefor ~~should be~~ granted to said applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of applicant, R. W. Markham, for the (conduct of a general transfer and cartage business in the town of Mead, and the transportation, not on schedule, of (1) farm products (including milk and cream), elevator products, sand, used household goods and furniture, from, to and between points within a radius of 7 miles of Mead, Colorado, (2) live stock from, to and between points within a radius of 5 miles of Mead, Colorado, (3) oil in barrels from points in the State of Colorado, cement from Fort Collins and plaster from Loveland to Mead and points in said seven mile area, and (4) farm supplies from Mead to points within a radius of 7 miles thereof,) and this order shall be deemed and held to be a certificate of public convenience and necessity therefor; provided that said applicant under this certificate shall not engage in any transportation service between points served by and in competition with authorized motor vehicle

common carrier services.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That private permit No. B-1564, heretofore issued to R. W. Markham, be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

Wm. E. Simon

Commissioners

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF R. B. HEUETT FOR A CLASS "A")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3363-PP

August 12, 1936

Appearances: Z. D. Bohrer, Esq., Denver, Colorado,
for Lyon and Thompson and The Motor
Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for Union Delivery Company and Weicker
Transportation Company.

S T A T E M E N T

By the Commission:

The above styled application of R. B. Heuett for a Class A permit to haul small grain and wheat to elevators, was regularly set for hearing at Denver on July 28, 1936, due notice thereof being given applicant. Notwithstanding such setting and notice, applicant failed to appear. Whereupon protestants moved that said application be dismissed for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the application of R. B. Heuett for a Class A private permit should be, and the same hereby is dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dancer
McDanks
Commissioners

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF HOMER DALE FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR THE)
TRANSPORTATION OF LIVE STOCK AND)
FEED STUFFS IN WESTERN COLORADO.)

APPLICATION NO. 3114-(PP)-AMENDED

August 12, 1936

Appearances: T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Longmont, Colorado,
for Homer Dale, applicant;
Z. D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

In the above styled matter, our attention has been directed to the fact that, by stipulation of parties appearing at the hearing, it was agreed that the application of Mr. Dale for a Class "B" permit should be considered as an application for a common carrier certificate, and in the event the Commission was satisfied, after consideration of the evidence adduced at the hearing, that the public convenience and necessity justify or require the granting of a certificate for the proposed operation, a certificate of public convenience and necessity might issue instead of a Class B private permit.

Upon further consideration of the record and the order entered in said matter, Decision No. 7940, the Commission is of the opinion, and finds that the public convenience and necessity require the proposed operation of applicant as outlined in said decision and order and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the private permit granted to Homer Dale in Application No. 3114-PP, Decision No. 7940, should be, and the same hereby is revoked and cancelled.

IT IS FURTHER ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of the applicant, Homer Dale, for the transportation, subject to the conditions hereinafter mentioned, of farm products,

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including livestock, used furniture and household goods, farm machinery and farm equipment generally, from point to point within a radius of ten miles of Olathe, Colorado, and from and to points in said area to and from points in the State of Colorado, and the transportation of farm supplies, including new and used household goods and furniture, farm machinery and equipment, from Olathe to points in said area (expressly excluding the transportation of merchandise and other commodities ordinarily handled by line haul carriers between towns, and between points in said area or elsewhere), it being contemplated that applicant shall not engage in any transportation service which will be competitive with that of Rio Grande Motor Way, Inc., or "call and demand" carriers operating in and out of Delta and Montrose, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dwyer
W. D. Dwyer
Ernest E. Dwyer
Commissioners

Dated at Denver, Colorado,
this 12th day of August, 1936.

~~CONTROL~~
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
L. E. DICKS FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 599

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August 12, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written request from L. E. Dicks requesting a suspension of the certificate of public convenience and necessity heretofore issued to him in the above numbered application, due to his inability to return to Colorado at the present time and conduct the operation authorized under said certificate on account of sickness in his family.

It is not the practice of the Commission to suspend certificates, and after a careful consideration of the record, the Commission is of the opinion and so finds, that in the instant case the request should be granted to the extent of revoking the certificate with the privilege of reinstating same at any time on or before July 1, 1937, upon full compliance with the law and our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity now owned by L. E. Dicks and heretofore issued in Application No. 599, be, and the same is hereby, revoked, with the privilege of reinstatement at any time on or before July 1, 1937, upon full compliance with the law and our rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker

W. E. Dicks

Wm. E. Dixon

Commissioners

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF L. D. ROBINSON FOR A CLASS "A")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3276-PP

August 12, 1936

Appearances: L. D. Robinson, Hotchkiss, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of milk and cream from farms along State Highways Nos. 92 and 135 between a point 6 miles west of Hotchkiss, and Paonia on the east, to the creamery at Hotchkiss, Colorado, over said highways, and the transportation of coal from Tony Bear Mine at Somerset to Hotchkiss, for the Hotchkiss Creamery.

The evidence disclosed that the authority sought is that of an "A" rather than a "B" carrier and that there was no competition with line haul carrier services. The operating experience and responsibility of applicant generally were established to the satisfaction of the Commission. Protestants withdrew objections to the issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion and finds that an "A" permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That L. D. Robinson should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire, for the transportation to Hotchkiss of milk from farms along State Highways Nos. 92 and 135 between a point 6 miles west of Hotchkiss and Paonia on the east, and coal for the Hotchkiss Creamery only from Tony Bear Mine at Somerset to Hotchkiss.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

W. C. Danks

Wm. E. Wilson
Commissioners

Dated at Denver, Colorado,
this 12th day of August, 1936.

CONTROL
80

(Decision No. 8230)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF JOHN H. SHACKELFORD FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3213-PP

August 12, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association,
Theobald Brothers and William Ray;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above styled application for a Class "B" permit to do general hauling, mostly coal, in Redvale and vicinity, was set for hearing at Grand Junction, Colorado, on June 24th, having previously been set for hearing at Durango, Colorado, on May 27, 1936. Applicant failed to appear on either occasion although duly notified of the hearing.

By stipulation of parties appearing at the last mentioned hearing, the application of applicant was admitted in evidence in his behalf and protestants stipulated that permit might be issued for the transportation of farm products from point to point within a radius of 15 miles of Redvale, Colorado, and the transportation of coal from Rice Coal Mine to points in said area.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as agreed to by protestants should issue.

O R D E R

IT IS THEREFORE ORDERED, That John H. Shackelford should be, and he hereby is, authorized to operate as an intrastate Class "B" private carrier by motor vehicle for hire for the transportation of farm products from point to point within

a radius of 15 miles of Redvale, Colorado, and the transportation of coal from Rice Coal Mine to points in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Brien

W. D. Banks

Maer Erickson

Commissioners

Dated at Denver, Colorado,
this 12th day of August, 1936.

B-1605
B-1605
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF CLAUDE D. HARVEY, JR., FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3277-PP

August 12, 1936

Appearances: Claude D. Harvey, Jr., Fruita, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N TBy the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products from farms within a radius of 10 miles of Fruita and a radius of 6 miles of Palisade, respectively, to railroad loading points in Mesa County.

It appearing from the evidence that the proposed operation of applicant would not impair the efficiency of any adequate motor vehicle common carrier service, protestant withdrew objections to the issuance of permit.

The operating experience and responsibility generally of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Claude D. Harvey, Jr. should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products from farms within a radius of

10 miles of Fruita and a radius of 6 miles of Palisade, respectively, to railroad loading points within Mesa County.)

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
W. C. Danks
Walter E. Sisk
Commissioners

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WAYNE BEACH TO EXTEND HIS PRIVATE)
PERMIT NO. A-929 TO INCLUDE THE)
TRANSPORTATION OF ORE AND CONCEN-)
TRATES FROM POINTS WITHIN A RADIUS)
OF 20 MILES OF IDAHO SPRINGS TO)
IDAHO SPRINGS, LEADVILLE, WEST)
PORTAL, DENVER AND COLORADO CITY,)
COLORADO.)

APPLICATION NO. 2288-PP-BB

August 12, 1936

Appearances: Wayne Beach, Idaho Springs, Colorado,
pro se;
Arthur E. Aldrich, Esq., Idaho Springs,
for Curnow Livery and Transfer Co;
C. D. Young, Esq., Denver, Colorado, for
Colorado Trucking Assn;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and J. D. McKenzie.

S T A T E M E N T

By the Commission:

Wayne Beach, the applicant herein, seeks an extension of his Permit A-929, to include the transportation of ore and concentrates from points within a 20-mile radius of Idaho Springs, to Idaho Springs, Leadville, West Portal, Denver, and Colorado City.

On March 9, 1935, the applicant was given authority to transport ore from the Bismark and Black Eagle mines and others in the vicinity of Idaho Springs, with a back haul from Idaho Springs to the mines served.

On April 23, 1935, in Application No. 2288-PP-B, the applicant's authority was extended to include the transportation of ore from mining territory within a radius of 20 miles of Dumont, to the Myers Mill at Dumont.

In the instant application the applicant states that he has in mind, transporting ore and concentrates for several mining companies, most of which are merely getting ready to ship and as yet have not reached a producing basis. The applicant finally admitted that he did not need authority to come to Denver; neither did he need authority to go to West Portal and stated that he thought

most of his operation would be between the Idaho Springs mining district and Leadville, but could not say at this time exactly who would be his customers. It appeared from what the protestants had to say that there was little or no objection to increasing the authority of the applicant except for one reason, namely that there was at the present time more authorized carriers of ore and concentrates than there was any business to be performed; but that if the applicant could name customers who were opening new tonnage, objections would be withdrawn. The applicant now presents the following list of customers, who are ready to make shipments, viz; Cardigan Mine, Maude Monroe Mine, Lombard Mine and the Federal and Capital Prize. After careful consideration the Commission is of the opinion and finds that authority should be granted as limited by the testimony.

O R D E R

IT IS THEREFORE ORDERED, That Wayne Beach be and he hereby is granted an extension of his permit A-929 to include the transportation of ore and concentrates from mines within 15 miles of Idaho Springs, to Leadville, Colorado Springs and Idaho Springs, for customers named above, and this order shall be authority for such extended operation.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker

W. C. Danks

Wm. E. Eason
Commissioners.

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CECIL BEASLEY.)

CASE NO. 1759 ✓

August 12, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-725 should not be suspended or revoked for his failure to file with the Commission a list of his customers and description of his equipment.

It now appears that respondent has filed said list of customers and a description of his equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. B. Banks

Wm. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 12th day of August, 1935.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
B. R. PAYTON.)

CASE NO. 1797 ✓

August 12, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N TBy the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-923 should not be suspended or revoked for his failure to make monthly highway compensation tax reports from November, 1935, to date of said order, file the required insurance and a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied. It was also disclosed that on July 7, 1936, the Commission received a letter from respondent stating he was no longer operating and requesting cancellation of his permit.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-923, heretofore issued to B. R. Payton, should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Decker
W. L. Danks
Wm. E. E. E.
Commissioners.

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE PARKER.)

CASE NO. 1799

August 12, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-949 should not be suspended or revoked for his failure to keep on file with the Commission the required insurance and to file a description of his equipment.

The evidence disclosed that prior to hearing on said matter, but subsequent to issuance of said show cause order, respondent had filed the required insurance and a description of his equipment.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. DeLoach
McDanks
Commissioners.

Dated at Denver, Colorado,
this 12th day of August, 1936.

~~CONTROL~~
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. L. SEAMON.)

CASE NO. 1800 ✓

August 12, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-952 should not be suspended or revoked for his failure to make highway compensation tax reports, keep on file with the Commission the required insurance, and file a list of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-952, heretofore issued to M. L. Seamon, should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene E. Douglas
W. L. Danks
Malcolm E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 12th day of August, 1936.

CONTROL 20
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNER MARKEL.)

CASE NO. 1801 ✓

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-955 should not be suspended or revoked for his failure to make monthly reports from September, 1935, to date of order, and for his failure to file a list of his customers and description of his equipment.

The record disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-955, heretofore issued to Verner Markel, should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks
McDanks

Walter E. Danks
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

CONTROL
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. L. FERGUSON.)

CASE NO. 1802

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-956 should not be suspended or revoked for his failure to keep on file with the Commission the required insurance and furnish a description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-956, heretofore issued to L. L. Ferguson, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Donnell

W. C. Danko

Walter E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

B-774

(Decision No. 8239)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. MARKHAM)

CASE NO. 1804

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. B-974 should not be suspended or revoked for his failure to keep on file with the Commission the required insurance, and for failure to file a list of his equipment.

At the hearing, it developed that said permit had been revoked in a previous order of the Commission, Decision No. 7921.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steele
W. C. Danks
Malcolm F. Johnson
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

CONTROL
25

(Decision No. 8242)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST CALDWELL.)

INTERSTATE PRIVATE PERMIT NO. B-1512-I

August 12, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ernest Caldwell, of Vernal, Utah, requesting that his Interstate Private Permit No. B-1512-I be suspended with the proviso that same may be reinstated at any time should he again require a permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Interstate Private Permit No. B-1512-I, heretofore issued to Ernest Caldwell, of Vernal, Utah, be, and the same is hereby, suspended for a period of six months from August 4, 1936, provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ernest V. Caldwell

W. C. Danks

Ernest V. Caldwell

Commissioners.

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADORE MOTOR VEHICLE OPERATIONS OF)
M. H. MAINORD.)
-----)

CASE NO. 1726 ✓

August 12, 1936
-----Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the CommissionS T A T E M E N TBy the Commission:

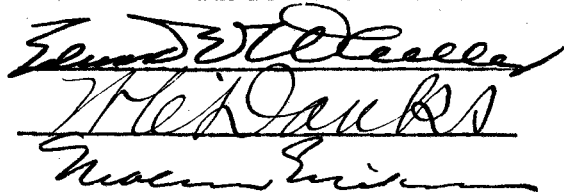
On July 1, 1936, the Commission issued a show cause order against M. H. Mainord, holder of private permit No. A-618, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file a list of customers, a description of equipment and provide the necessary insurance.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936 (pursuant to due notice), at which time and place the Secretary of the Commission testified that the records now disclose that the respondent has joined in an application with Joe Mainord for the transfer of his permit and that until such transfer is made, no list of customers will be available; also, that a list of equipment heretofore used has been filed and the necessary insurance has been provided.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that, inasmuch as said permit is to be transferred and the transferor has complied with all the rules except the item of list of customers, the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Commissioners

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JAMES OBERTO, MILNER, COLORADO, FOR
A CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE.

APPLICATION NO. 3340-PP

August 12, 1936

Appearances: James Oberto, Milner, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Assn. and
Harp Bros;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Assn.
and Larson Transportation Company;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority to transport farm produce, household goods, lumber, sand, rock and road material within a 50-mile radius of Milner, Colorado, and lists some 60 customers which he proposes to serve.

The applicant has a 1936 Chevrolet truck with which he intends to conduct the operation. He testified that he intended to conduct no operation which would be in competition with the Larson Transportation Company or other scheduled carriers now serving the Milner area; also that he desired to transport farm products from Twenty-Mile Park and from the Yampa Valley between Hayden and Steamboat, to loading points and market within this area; transportation of miners and farmers household goods between farms and mines within said area and sand, gravel and building material from point to point within said area where construction work was going on. With this limitation there were no objections interposed on behalf of those appearing at the hearing.

After careful consideration of the testimony and the record, the Commission is of the opinion and finds that as thus limited, the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That James Oberto of Milner, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products from farms in what is known as Twenty-Mile Park and in the Yampa Valley between Hayden on the west and Steamboat on the east, to railroad leading points and markets within said area; transportation of miners' and farmers' household goods between farms and mining camps within said area; and sand, gravel and building materials from lumber yards to construction jobs within said area, all of which service will be rendered for customers residing in the area, and this order will be taken as authority for said operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Brien

W. C. Danks

William E. Sisson

Commissioners.

Dated at Denver, Colorado,
this 12th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL

RE MOTOR VEHICLE OPERATIONS)
OF G. BARNHILL, RESPONDENT.)

CASE NO. 1654

August 13, 1936

Appearances: G. Barnhill, Ramah, Colorado,

pro se:

R. E. Conour, Esq., Denver, Colo., for
The Public Utilities Commission;
J. F. Rowan, Denver, Colo., for The
Motor Truck Common Carriers Assn;
M. F. Jones, Esq., Longmont, Colo., for
The Colorado Trucking Assn;
Oren A. Hartsel, Simla, Colo., for the
Hartsel Truck Line.

S T A T E M E N T

By the Commission:

In the above matter it was disclosed that G. Barnhill has heretofore been operating under Permit A-523, authorizing an operation between Ramah, Colorado and Denver. That on May 1, 1936 in Application 3138 the respondent was granted a certificate of public convenience and necessity, and it was provided in the order granting this certificate that private Permit A-523, be revoked; and in the usual manner, a letter accompanied the order sent to the respondent, advising him that certain things should be accomplished before he would be given his certificate number and identification cards. It appears that the respondent took out insurance about May 15, but did not receive his Certificate No. 875 until about the middle of June. The respondent admitted that he made the hauls which were the basis of the complaint on May 15, and May 22, as charged in the show cause order, but that at the time they were made all he had was a copy of his order wherein it stated that the certificate number would be forthcoming upon his meeting certain requirements. The applicant further stated that he did not know about the law which provides, among other things, that a certificate goes into full force and effect, twenty days after the date thereof, which would have been May 20, and that when he rendered the

services on May 22, transporting a tractor from Denver, it was his opinion that he was operating under his original A permit, and not under the certificate. Mr. Barnhill stated that he had no intention of violating any law and that it was his desire to comply with all laws, rules and regulations pertaining to the transportation business.

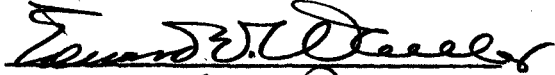

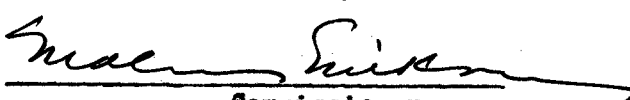
After careful consideration of the record and the testimony of the respondent, the Commission is of the opinion and finds that there was a technical violation, particularly the hauling done on May 22, which was two days after respondent's certificate No. 875 would have become effective, but the Commission is not convinced that the respondent actually knew that on May 22, his private permit was cancelled and his new certificate was not available on account of his not having met certain requirements.

The Commission regards the respondent as an intelligent business man who should have used more mature judgment in the conduct of his affairs during the period covered herein, and that a warning should be issued with the dismissal of this case.

ORDER

IT IS THEREFORE ORDERED, That Case No. 1654, against G. Barnhill, be, and the same is hereby, dismissed, and respondent admonished to acquaint himself with his status as an operator and see that further violations do not occur.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE CARDIFF LIGHT AND WATER COMPANY
FOR AN ORDER AUTHORIZING IT TO ABANDON
ITS ENTIRE WATER LINE BETWEEN THE CITY
OF GLENWOOD SPRINGS AND THE TOWNSITE,
AND HUGHES ADDITION TO THE TOWNSITE, OF
CARDIFF, COLORADO, INCLUDING ITS DIS-
TRIBUTION SYSTEM BETWEEN SUCH POINTS
AND IN SUCH TOWNSITE AND ADDITION
THERETO.

APPLICATION NO. 3033-AMENDED.

August 13, 1936

S T A T E M E N T

By the Commission:

On March 2, 1936 the Cardiff Light and Power Company, a Colorado corporation, now serving water for domestic purposes between the point where the Denver and Rio Grande Western Railroad Company's tracks cross the highway extended south of Grand Avenue of the City of Glenwood Springs, Colorado and the Townsite and the Hughes Addition to the Townsite of Cardiff, Colorado, filed a petition with the Commission to abandon its entire water line between Glenwood Springs and the Townsite and Hughes Addition to the Townsite of Cardiff, Colorado, including its distribution system between said points and said Townsite and Addition thereto.

The Company alleged that the water system was constructed in the year 1908 for the particular purpose of supplying water to the Colorado Fuel and Iron Company's coke ovens, and to the Colorado Midland Railway Company, all of which properties have since been abandoned, and since that time the Company has operated its property at a loss.

The Company further alleges that on account of a certain contract with the Glenwood Light and Water Company, regarding maintenance of pipe line the Company was able to carry on its business, but when this contract was later taken over by the City of Glenwood Springs, and the City refused to extend the contract in 1933 at its termination, the Company was unable to make a fair return, or any, upon its investment.

Also that there has been a large decrease in the number of water consumers because of the residents of the district served by the Company moving away from the district, and that said pipe line is now in bad condition and large expenditures are, and will be, necessary for the future maintenance of the pipe line; so that with the decreased revenue, and the increasing maintenance expenses, the Company is not justified in continuing the operation of this water plant.

The Commission thereupon served notice of the proposed abandonment of said water plant upon all the customers of the plant and on April 6, 1936 the Commission was requested in a written communication by a number of said customers to defer further proceedings in this matter until the negotiations that were then in progress between the customers of the Water Company and the Water Company for taking over the water plant by the customers could be completed.

The Commission is now in receipt of an amended petition from the said Cardiff Light and Water Company in which it is alleged that the Company has transferred by a quit claim deed all of the property herein referred to, to The Cardiff Water Users Corporation, a Colorado corporation formed by the water users of the Cardiff Light and Water Company for the purposes of taking over the water plant of said company and operating same for the future convenience and necessity of said users. A copy of the aforesaid deed was included with the amended application, and shows that the Company has transferred its water plant to its customers without any cost for the property and that now the Cardiff Light and Water Company no longer has any interest in the water plant of the Company, and that its future operation will be by the newly formed company, the Cardiff Water Users Corporation. The Commission is of the opinion that this is a very good solution of a difficult situation. It appears from all the acts now before the Commission that the Company has been operating at a loss and this loss will likely be more in the future unless rates were made to meet the situation, that would probably be greater than the water users could bear. But there is a group of water users at this place owning their property there, and dependent upon this water supply for their needs and convenience. By taking over this burden whatever it is can be borne by the water users with the satisfaction of knowing that it is the best arrangement they can make to secure the good water that Glenwood Springs enjoys. Any future growth of the community will lessen the burden, and it is hoped that

this will be the result.

After a careful consideration of the record the Commission is of the opinion and so finds that the Cardiff Light and Power Company's petition to abandon its operation should be dismissed. We are further of the opinion and so find that the public convenience and necessity require the proposed operation of said water system by the Cardiff Water Users Association.

O R D E R

IT IS THEREFORE ORDERED, That the application of the Cardiff Water and Light Company to abandon its water plant as herein described be, and is hereby, dismissed.

IT IS FURTHER ORDERED, That the Cardiff Water Users Corporation is hereby permitted to take over and operate the Water Plant of the Cardiff Light and Water Company, being the pipe line from the City of Glenwood Springs to and in the Townsite and the Hughes Addition to the Townsite of Cardiff, Colorado, including the water distribution system of same as fully described and set out in the quit claim deed of the Cardiff Light and Water Company to the Cardiff Water Users Corporation under date of July 1, 1936, and shall operate same for the just and proper water service of the customers of said corporation, and this order shall be taken, deemed and held to be a certificate of public convenience therefor.

IT IS FURTHER ORDERED, That the Cardiff Water Users Corporation shall file its schedule of rates, rules and regulations with the Commission within thirty days from date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. C. Danks

W. C. Danks
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

CONTROL

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL H. BEMENT.)

CASE NO. 1424

August 13, 1936.

S T A T E M E N T

By the Commission:

On February 13, 1935, the Commission entered its order revoking private permit No. B-642, with a provision in said order that said permit might be reinstated at any time within one year from the date of its issue, to-wit, February 13, 1935. We are now in receipt of a request from said respondent to reinstate said permit, and it appears that said respondent filed insurance and otherwise complied with the law and our rules and regulations on January 29, 1936.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit B-642 should be reinstated as of January 29, 1936.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. B-642, heretofore issued to Carl H. Bement, of Paonia, Colorado, be, and the same is hereby, reinstated as of January 29, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

James Spitzer

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ESSA HARBERT.)

CASE NO. 1674

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-276 should not be suspended or revoked for his failure to file proper insurance, a list of his customers and description of his equipment.

The evidence disclosed that prior to the hearing, but subsequent to issuance of show cause order, respondent filed the necessary insurance, list of his customers and his equipment slip.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. W. W.
W. Danks
W. S. S.
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

CONTROL 84

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. E. BUTLER AND SON.)

CASE NO. 1680

August 13, 1936.

Appearances: Wiley E. Butler, Craig, Colorado,
pro se and for H. E. Butler;
E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondents to show cause why their private permit No. A-100 should not be suspended or revoked for their failure to keep on file with the Commission the necessary insurance and for failure to make monthly reports for the period January 1, 1936, to date of said order.

At the hearing, respondent Wiley E. Butler testified that he had taken out insurance and would attend to having the same filed at once. He also claimed that he had or immediately would file their reports.

The Commission has withheld decision in the instant case in order to give respondents an opportunity to comply with the law, which so far they have failed to do.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be cancelled on account of the above delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-100, heretofore issued to H. E. Butler and Son, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. E. Danks
W. E. Nixon
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

CONTROL
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B-1634

(Decision No. 8252)

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B-1634

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF EARL C. MYERS FOR A CLASS B)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3349-PP

August 13, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of crushed rock from crusher located some 3 miles north of Boulder to the City of Boulder.

Those appearing at the hearing offered no objection and consented that permit be granted on the verified application of applicant.

After careful consideration of the application and the stipulation above referred to, the Commission is of the opinion and finds that the same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Earl C. Myers, of Boulder, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of crushed rock from rock crusher located within 3 miles of Boulder, Colorado, to Boulder.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Wesley E. Egan

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

CONTROL 83

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF CHARLIE J. DeVOLT FOR A CLASS)
B PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

B 1606
APPLICATION NO. 3348-PP

August 13, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
Z. D. Bohrer, Esq., Denver, Colorado,
for the Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

It was agreed by those appearing at the hearing that this application be granted upon the verified application filed herein for the transportation of sand, gravel and like road construction materials within a 75-mile radius of Denver, Colorado, and for the transportation of coal from the northern Colorado coal fields to Denver.

After careful consideration of the record and the stipulation, the Commission is of the opinion and finds that as thus limited, the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Charlie J. DeVolt, of Denver, Colorado, should be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel and like road construction material, from point to point within a radius of 75 miles of Denver, Colorado; and for the transportation of coal from the northern Colorado coal fields to Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danks
Walter H. Hinson
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ALFRED E. TURNER FOR A CLASS B)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3339-PP

August 13, 1936.

Appearances: Alfred E. Turner, Columbine, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Z. D. Böhrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products (including livestock), ore, farm and mine supplies within a radius of 20 miles of Columbine, Colorado, to and from Steamboat Springs, Colorado, with authority to transport livestock only to Denver, with the understanding that there will be no freight hauls from Denver to Steamboat. The applicant further desires to transport freight from the Columbine area to points along the Colorado-Wyoming state line.

It appeared that Turner has a sawmill and ranch in the vicinity of Columbine, and in connection with his mill transports lumber to various points, and he desires authority to take back into the area such supplies as the farmers in that area and the miners operating in the Hahn's Peak area may desire, all for customers residing in the Columbine area above described and for the Steamboat Springs Lumber Company when said firm has roofing and other building supplies destined to the Columbine area. The applicant stated that he had no desire to engage in town to town transportation service in competition with the Larson Transportation Company or other scheduled common

carriers serving this area.

After a careful consideration of the record and the testimony, the Commission is of the opinion and finds that the Columbine section is an isolated area quite a distance from the headquarters of the common carriers authorized to serve that section, and that the application herein as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Alfred E. Turner, of Columbine, Colorado, should be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products (including livestock), ore, farm supplies and mine supplies from point to point within a radius of 20 miles of Columbine, Colorado; and between said area and Steamboat Springs, Colorado, and points along the Colorado-Wyoming boundary line; for the transportation of building supplies from Steamboat Springs for the Steamboat Springs Lumber Company to the above described Columbine area, and for the transportation of livestock from said area to markets at Denver, provided, however, that the applicant shall not engage in any transportation service, except the transportation of farm products as above mentioned, of a competitive character between towns along the route of scheduled common carriers.

IT IS FURTHER ORDERED, That the applicant may engage in the transportation of freight between points in the above Columbine area and the Colorado-Wyoming state line in interstate commerce, subject, however, to the provisions of the Federal Motor Carrier Act of 1935, and the interstate permit herein authorized shall bear the same number as the intrastate permit herein issued followed by the letter "I".

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with

all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. E. Danks

Neal Spink

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CONTROL

B-1095

IN THE MATTER OF THE APPLICATION OF
T. G. BROKAW AND ROY THOMPSON, DOING
BUSINESS AS BROKAW AND THOMPSON, FOR
A CLASS B PRIVATE PERMIT TO TRANSPORT
LIVESTOCK AND FARM PRODUCE WITHIN A
RADIUS OF 20 MILES OF WRAY, COLORADO.

APPLICATION NO. 2596-PP

August 13, 1936

S T A T E M E N T

By the Commission:

On November 9, 1935, in Decision No. 6809, it was provided that the applicant should have authority to transport cement, and plaster as a back haul to the Wray area, the intention being to give the applicant authority to transport cement from the plant near Fort Collins, via U. S. Highway No. 87, Colorado Highway No. 16 and other highways mentioned in said order, which was inadvertently left out of the order.

After careful consideration of the record, the Commission is of the opinion and finds that the authority granted to Brokaw and Thompson in Application No. 2596-PP should have included transportation of cement from the cement plant near Fort Collins, and plaster from the factory near Loveland via U. S. Highway No. 87, Colorado Highway No. 16 and the other highways mentioned in said order, and that the order should be amended accordingly.

O R D E R

IT IS THEREFORE ORDERED, That Decision No. 6809, issued in Application No. 2596-PP, to T. G. Brokaw and Roy Thompson, be, and the same hereby is, amended to include authority to transport cement from the cement plant near Fort Collins and plaster from Factory near Loveland to the Wray area described in said order, via U. S. Highway No. 87, Colorado Highway No. 16, and the other highways mentioned in said order.

IT IS FURTHER ORDERED, That said order in all other respects shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. H. Danks

James E. Egan

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

B

CONTROL *js*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF W. O. TIMMS OF KEENESBURG,
COLORADO, FOR REINSTATEMENT OF
CERTIFICATE NO. 505.

APPLICATION NO. 1671

August 13, 1936

Appearances: Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Co;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers
Assn. and Lyons and Thompson Truck
Line;
Marion F. Jones, Esq., Longmont, Colo.,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above named applicant, being the holder of Certificate No. 505 heretofore issued to him by the Commission, failed to file insurance as required by the rules of the Commission and on January 11, 1935, in Case No. 1458, his certificate was revoked for his failure to provide said insurance.

The record discloses that applicant has now fully complied and no objections to a reinstatement were offered by those appearing at the hearing.

After careful consideration of the record, the Commission is of the opinion and finds that the application for reinstatement should be granted.

O R D E R

IT IS THEREFORE ORDERED, That certificate of public convenience and necessity, PUC No. 505, heretofore issued to W. O. Timms of Keenesburg, Colorado in Application No. 1671, be, and the same hereby is, reinstated as of May 13, 1936, and this order shall be authority for such reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones

W. L. Danks

Malcolm F. Smith

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936

A-686

(Decision No. 8259)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK E. GARNER.)

CASE NO. 1748

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Frank E. Garner, under his private permit No. A-686, for violation of the rules and regulations of the Commission in his failure to provide a list of customers, to report his equipment used, to keep on file the necessary insurance, and make monthly reports from March, 1936, to date.

This case was called for hearing at State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the respondent failed to appear and no communication has been received from him explaining the cause of such failure. The Secretary of the Commission testified that all of the delinquencies above listed had not been rectified.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that private permit No. A-686 should be revoked for respondent's failure to comply with the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-686, heretofore issued to Frank E. Garner, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
W. D. Danks
W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. L. PRICE.)

CASE NO. 1747

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against W. L. Price, under his private permit No. A-681, for his failure to comply with the rules and regulations of the Commission, to file a list of his customers, report description of equipment and to make monthly reports and pay the highway compensation tax.

This case was called for hearing at the State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the respondent failed to appear.

The Secretary of the Commission testified that the respondent was still in default of the delinquencies above enumerated and had made no answer to the show cause order.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-681, heretofore issued to W. L. Price, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. J. RIEDESEL AND SONS.)

CASE NO. 1749

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the operations of F. J. Riedesel & Sons under private permit No. A-691, for their failure to provide a list of their customers and a description of their equipment used in the operation.

This case was called for hearing at the State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M., at which time and place it was disclosed that the respondents now have on file their list of customers and have reported equipment used and have complied with all of the rules and regulations of the Commission.

After careful consideration of the record, the Commission is of the opinion and finds that since respondents have met all the requirements of the Commission, the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
He Danks
He Danks
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. J. WINDSHEIMER.)

CASE NO. 1752 ✓

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the operations of L. J. Windsheimer under his private permit No. A-699, for his failure to file a list of customers and to file description of equipment used.

At the hearing held at State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M., the record disclosed that the respondent has supplied the necessary list of customers and also has complied with the rules and regulations of the Commission by reporting his equipment.

After careful consideration of the record, the Commission is of the opinion and finds that since the respondent has now complied with all of the rules and regulations of the Commission, the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene W. Dancy
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. F. ROBBINS.)

CASE NO. 1754 ✓

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against H. F. Robbins for his failure to make monthly reports and pay highway compensation tax for the months August to December, 1935, inclusive, and for the months January to July, 1936, inclusive, keep on file with the Commission the required insurance, and file a list of customers and description of equipment, all in connection with his private permit No. A-703. (703)

This case was called for hearing, after due notice, at State Office Building, Denver, Colorado, at 10 o'clock A. M., on July 22, 1936, at which time and place the record disclosed that respondent had not corrected any of the above items and made no answer or appearance.

After careful consideration of the record, the Commission is of the opinion and finds that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-703, heretofore issued to H. F. Robbins, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund J. O'Connell
W. H. Danks
Wm. E. Simon

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

ENTRANCE JM
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL ✓ LWR

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT A. BECK.)

CASE NO. 1725 ✓

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Albert A. Beck, holder of private permit No. A-616, for his failure to comply with the rules and regulations of the Commission in that he failed to file a list of customers, furnish description of equipment and provide the necessary insurance.

The case was called for hearing at the State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M., at which time and place the Secretary of the Commission testified that the records disclosed that since issuance of the show cause order, respondent has filed a list of customers, has furnished description of equipment and has provided the necessary insurance.

After careful consideration, the Commission is of the opinion and finds that the respondent has now complied with the rules and regulations of the Commission and that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane
W. S. Danks
W. S. Danks

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
A. F. VIZINA MOTOR COMPANY.)

CASE NO. 1724 ✓

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against A. F. Vizina Motor Company, holder of private permit No. A-614, for its failure to comply with the rules and regulations of the Commission in that said company failed to file list of customers and make monthly reports and pay highway compensation tax from January, 1936, to date.

This case was called for hearing at the State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the Secretary of the Commission testified that since issuance of said order, the respondent has provided a list of his customers and has made monthly reports for the months mentioned above.

After careful consideration of the record, the Commission is of the opinion and finds that respondent has now fully complied with the rules and regulations of the Commission and that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 13th day of August, 1936.

Edward D. DeLoach
McDauks
Wm. E. Simon
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. H. MOORE. *

CASE NO. 1723

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against J. H. Moore, holder of private permit No. A-605, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file a list of customers, provide the necessary insurance and furnish a description of his equipment. He also failed to make monthly reports and pay the highway compensation tax for the year 1935 and from January, 1936, to date. Further, he failed to satisfy Distrainment Warrant No. 1165.

The case was called for hearing at State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M., at which time and place respondent failed to appear.

The Secretary of the Commission testified that a letter addressed to respondent at his last known address was returned unclaimed. He stated that respondent was still in default of all of the delinquencies above mentioned.

After careful consideration, the Commission is of the opinion and finds that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-605, heretofore issued to J. H. Moore, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Ducey

W. C. Danks

Wm. H. ...

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
WILSON McCARTHY AND HENRY SWAN, ETC.

APPLICATION NO. 3032

IN THE MATTER OF THE APPLICATION OF
RIO GRANDE MOTOR WAY, INC., ETC.

APPLICATION NO. 1801-B

August 13, 1936

Appearances: T. R. Woodrew, Esq., and T. A. White, Esq.,
Denver, Colorado, for the applicants;
Stone and Porter, Esqs. and Nourse and
Dutcher, Esqs., Gunnison, Colorado, for
the Gunnison County Commissioners,
Board of Trustees of the Town of
Gunnison, and the Gunnison County
Stock Growers Association.

S T A T E M E N T

By the Commission:

On June 23, 1936, the Commission entered its order and decision authorizing the applicants in Application No. 3032 to discontinue the operation of trains Nos. 15 and 16 between Minturn and Grand Junction, Colorado, trains Nos. 315 and 316 between Gunnison and Montrose, Colorado, and Trains Nos. 353 and 354 between Montrose and Ouray, Colorado, effective July 6, 1936, subject to the conditions set forth in the order; and granting the applicant in Application No. 1801-B a certificate of public convenience and necessity authorizing it to operate as a common carrier by motor vehicle for the transportation of passengers, baggage, mail and package freight between Gunnison and Montrose, Colorado, and intermediate points via U. S. Highway No. 50. The bus service proposed in Application No. 1801-B was offered as a substitute for the railway train service heretofore afforded between Gunnison and Montrose by trains Nos. 315 and 316.

By agreement of the parties, protestants were allowed further time after the effective date of our order within which to prepare and file their petition for rehearing on account of the shortness of the time between receipt of the order and the effective date thereof. Pursuant to such agreement, the Protestants, The Board of County Commissioners of Gunnison County, Colorado, The Board of Trustees of the Town of Gunnison, Colorado, The Gunnison County Chamber

of Commerce, and The Gunnison County Stock Growers Association filed their Application for Rehearing and For Suspension of Order on July 7, 1936. No other protestants who appeared at the hearing and resisted the above numbered applications filed petitions for rehearing. Oral argument was had upon the aforesaid application for rehearing on July 24, 1936 before the full Commission.

As now limited by the application for rehearing, the issues are confined to the service between Gunnison and Montrose. By their application for rehearing, the protestants challenge the propriety, sufficiency and legality of our order authorizing discontinuance of passenger train service between Gunnison and Montrose and substitution of motor bus service therefor by Rio Grande Motor Way, Inc., a subsidiary of The Denver and Rio Grande Western Railroad Company, applicant in No. 3032.

The protestants have set forth in detail some twenty-two objections to the order and decision of July 23, 1936, most of which are directed toward certain claimed deficiencies in our order rather than a statement of grounds for rehearing and vacation of the order. Reduced to its bare essentials by the elimination of the full and complete allegations of particulars in which our order is asserted to be improper, protestants allege the statutory grounds of review of orders of the Commission that it has exceeded its jurisdiction, failed to regularly pursue its authority, abused its discretion, violated the Constitutional rights of the protestants; that the order is not just and reasonable, and that it is not supported by the evidence. It is not essential that we consider and discuss each of the objections directed toward the order herein, but several objections should and will be discussed and determined specifically.

The first objection we shall consider separately is the eighth which asserts that the weight of the evidence fails to sustain any finding that the public convenience and necessity require the curtailment of passenger, mail and express service between Montrose and Gunnison, and the substitution of bus service therefor, and that there is no evidence nor applicable statute upon which the Commission can base a certificate of public convenience and necessity authorizing the curtailment of rail service and the substitution of motor vehicle passenger service. Both of the applicants are common carriers subject to the provisions of the Public Utilities Act of 1913 and supplemental and amendatory acts.

Under the plain provisions of the Act the Commission is given power to regulate and generally supervise all public utilities of this State. Section 14 which provides:

"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 generally supervise and regulate every public utility in this State and to do all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of such power, and to enforce the same * * * * *."

has been held in People ex rel. v. Colorado Title and Trust Co., 65 Colo. 472, 478, 178 Pac. 6, to confer upon the Commission complete powers of regulation over the railroads of this state, so far as their intrastate operations are concerned. Discussing this broad delegation of regulatory power, the Supreme Court said:

"Under the act power is conferred upon the Commission to regulate the service, which includes power over the operation of the railroad and the maintenance of its tracks. Power to regulate service necessarily includes power over the thing to be regulated. * * * * * We therefore conclude that the Public Utilities Act confers exclusive jurisdiction upon the Commission to determine whether a railroad company may abandon service upon and dismantle a railroad, lying wholly within the state."

The Act also provides that no public utility shall commence any new operation or extension into the territory occupied by another utility without first having obtained a certificate of public convenience and necessity from the Commission. As supplemented by Chapter 134, Session Laws of 1927, as amended, a certificate is required before the commencement of any motor vehicle carrier service by a motor vehicle common carrier. Hence, we find that the Commission has ample statutory authority to determine whether or not the applicant railroad company may discontinue service between Gunnison and Montrose, Colorado, and whether or not Rio Grande Motor Way, Inc., may commence operation as a motor vehicle common carrier between the same point for the purpose of furnishing the public with similar service upon discontinuance of the rail service. We have not been apprised of any rule of law which requires a single statute covering such situations when two applicable statutes are in force and confer all necessary administrative and regulatory powers incident to the applications and utilities involved. Otherwise, no substitution of service could ever be effected and a weak carrier relieved of the obligation to render service which had become unprofitable and burdensome.

The above objection generally raises almost every other objection contained in the application for rehearing which has been set out in greater detail, whereby a discussion of it constitutes a discussion of all other objections challenging the sufficiency of the evidence to sustain the order entered. We have already discussed the deficits resulting from operation of the daily passenger train between Gunnison and Montrose during the past several years, and the record contains ample evidence that the substitution of service proposed by the applicants and authorized by our order and decision attached in the application for rehearing will result in substantial savings to the applicant railroad without in the slightest degree placing any burden or inconvenience upon the travelling public. The busses which will be placed in service by Rio Grande Motor Way, Inc., applicant in No. 1801-B are of ample capacity to handle the passenger, mail and express traffic which the record shows exists between Gunnison and Montrose. If any inadequacy should arise in the future, the Commission stands ready to exercise its regulatory powers to compel adequate service and equipment to be furnished. The record before us shows that the service and equipment proposed by the applicant will be ample for all present purposes.

Protestants except to the Commission's finding that no authority is required from the Commission to institute the proposed additional train service between Denver and Montrose via the James Peak Route.

The proposal of applicant railroad to inaugurate over-night passenger train service between Denver and Montrose, while proposed as a condition to first obtaining authority to substitute bus service for the daily passenger train service between Montrose and Gunnison, and the discontinuance of trains Nos. 15 and 16 between Minturn and Grand Junction, impresses us as being in the public interest. It is true that Gunnison will lose daily passenger train service, but at the same time, it will receive in return a more expeditious motor bus service. On the other hand, a large portion of the population of Western Colorado will receive a much needed and greatly desired over-night train service. Section 35 of the Public Utilities Act specifically exempts steam railroads from the provisions of this section requiring certificates of public convenience and necessity precedent to any extension of service, although service generally is subject to the jurisdiction of the Commission under and by virtue of other sections of the

Act. We could have ordered the additional service to be inaugurated without affecting the service between Gunnison and Montrose, but such action would have been inconsistent with the law and public policy to require additional service from a bankrupt carrier while refusing it the opportunity to effect economies by reduction of an unprofitable service and the substitution of motor bus service which in no way affects adversely the rights of the public. As we understand the public interest here, there exists no right to service by any particular instrumentality, but the right which exists is the right to safe, adequate and economical transportation service, whether it be rendered upon rails or over the public highways. This we find exists and will continue to exist in the future under the substituted service proposed by applicants and authorized by the Commission.

Another objection directed toward the order is that there is no finding or conclusion in the order of the Commission determining that the substantial rights of the public served by the railroad are not injuriously affected. While the order may not contain such a finding in so many words, it is an elementary principle of administrative law involving questions such as here under consideration, that an order granting the authority sought in a proceeding in which the adequacy of the safety and protection of passengers and the public is questioned implies a finding on that issue favorable to the applicant whose service or proposed service is challenged. The arguments advanced by the protestants might have had some force several years ago, but the uniform success and satisfaction which has followed the operation of motor busses in mountain territory where operating conditions are much more severe than those prevailing between Montrose and Gunnison negatives the assertion that any substantial rights of the public served by the passenger train have been injuriously affected. We have no doubts concerning the safety, comfort and convenience of the traveling public who use the busses. The only question which might require additional consideration is that of the adequacy of this agency of transportation, and we think a review of the evidence in this respect established the adequacy to our satisfaction. According to Exhibit No. 60, and other testimony, 9791 passengers were carried in 1935 on trains Nos. 315 and 316 between Gunnison and Montrose, with the traffic rather evenly divided between the eastbound and westbound movements. The

heaviest traffic occurred in the months of July and August when the westbound traffic amounted to 567 in July and the eastbound traffic in August was 551 passengers. This is a daily average of 19 passengers in July and 18 in August. The yearly average is about 13 passengers per day each way. Comparison of the volume of traffic with the capacity of the busses which will be placed in service shows that no over-crowding or discomfort will result.

The heaviest express movement as shown in Exhibit No. 62 occurred during August 1935 when 16,252 pounds of express matter was handled from Gunnison to all points and 58,080 pounds was handled to Gunnison from all points. This movement is not confined to traffic between Gunnison and Montrose, but includes express shipments originating at and destined to all other points. Even if this entire movement was between Gunnison and Montrose it would amount to only 540 pounds daily shipped out of Gunnison and 1936 pounds received daily at Gunnison. This traffic amounting to only 2476 pounds per day moving both ways should be compared with the total daily movement both ways in February of 340 pounds. The record does not indicate any substantial amount of mail and in any event only the local mail between Pueblo and Montrose would be likely to move upon the busses of Rio Grande Motor Way Inc., and the Montrose mail and express would be transported on the daily train operated between Denver and Montrose. In the face of this record, we are not persuaded that any rights of the protestants have been injuriously affected in the slightest degree.

Another item which must be considered in a case such as this is the comparative costs of train and motor bus service. The cost of operating trains Nos. 315 and 316 between Gunnison and Montrose for the year 1935 was \$30,652.34, or a cost per train mile of 66 cents. The per mile cost of operating motor busses of the type the Rio Grande Motor Way Inc. proposes to place in service on this route is estimated to be about 16 cents. The Denver and Rio Grande Western Railroad Company is in rather desperate financial condition and now in the process of reorganization. The annual saving of approximately twenty-three thousand dollars will be of some assistance in working out its financial problems. Its subsidiary corporation, Rio Grande Motor Way, Inc., is a reasonably prosperous carrier. We may fairly assume that the revenues from operation of the busses between Montrose and Gunnison will compare very

favorably with the passenger train revenues, which, during the years 1934 and 1935, were approximately \$21,000.00 per annum and that with its lower operating costs, will be able to glean a reasonable profit from the operation. As we have already suggested the public cannot expect a carrier to furnish service at a loss for an indefinite period, and the best insurance of future transportation service is to permit the carrier to furnish the best service possible at a reasonable financial return. Where traffic is light, experience has shown that the motor vehicle is the most economical, and in fact, the only method of preserving the service to which the public has become accustomed and demands. Several similar applications have been before us during the past few years, and such applications have been granted whenever it has been shown, as here that the service will be equally satisfactory to the public generally and far less expensive and burdensome to the carrier.

Were this an application for discontinuance and abandonment of rail service without the substitution therefore of an adequate bus service, a finding that the present and future public convenience and necessity did not require the continued operation of such train service and possibly a finding that the rights of the public were not injuriously affected might be required. Some courts have gone so far as to hold that the public has no right to service in the absence of statute and that any rights it may have in continued service at reasonable rates is based entirely upon the statute law of the state. We have no need to determine this question as the public is not being deprived of a safe economical and adequate transportation service. The question of public convenience and necessity is not involved, except incidentally. That it exists is admitted by all concerned hence the only question is whether the public shall be served by steam passenger train operated upon rails or by motor bus operated over the public highways. The public is entitled to safe, economical and adequate transportation service. If this can be furnished by motor bus at a substantial saving to the railroad company which is already in serious financial difficulty, then it is in the public interest that such substitution of service be permitted. No public utility can be compelled to render an unprofitable service indefinitely, particularly when the carrier in question is operating at a loss on its entire system. In cases such as this, the burden is upon the applicant to establish that the substituted

service will be just as satisfactory as the service to be replaced. This has been done by a fair preponderance of the evidence and we so find.

The general rule that it is the duty of the applicant carrier to produce testimony prior to the withdrawal of its property from public service, showing that after a fair trial, under economical management it cannot pay its operating expenses under the rates ineffect or under such additional increases of rates as are reasonable and commensurate with the value of the service applies only in cases where outright abandonment of service or facilities is sought, and has no application to cases where substitution of service is desired. So also, the general rule that the operating economies must be weighed against the public convenience and necessity of the communities affected by the abandonment which rule is applicable only to cases of abandonment where no effort is made to substitute a more economical and just as satisfactory service. We repeat, this is not an abandonment case, but merely a case involving substitution of service which is just as safe, economical and efficient as the train service sought to be discontinued and the authorities cited by protestants at the oral argument of the petition for rehearing have no application to the facts of this proceeding.

With respect to the question of public convenience and necessity requiring the operation of the motor busses by Rio Grande Motor Way Inc., applicant in No. 1801-B, we take the view that the granting of authority for this service involves the public convenience and necessity only when authority is granted to discontinue train service. That there is a need for passenger, mail and express service between Gunnison and Montrose is conceded by all. When authority is obtained and which has been granted here to discontinue the passenger train operated between these points the public convenience and necessity requiring the motor bus service is automatically created and comes into existence at the very moment train service is discontinued. Accordingly, we are of the opinion and so find that the public convenience and necessity do, and on the date of our former order did require the proposed common carrier motor vehicle operations of Rio Grande Motor Way, Inc., applicant in No. 1801-B for the transportation of passengers, baggage mail and express by motor vehicle between Montrose and Gunnison, Colorado, and intermediate points, via U. S. Highway No. 50. Although we failed to find specifically on this point in our

former order it may fairly be implied from the finding in favor of the applicant.

In passing upon the application for rehearing we have reviewed the entire record in the light of the objections raised by the application for rehearing, and upon such reconsideration we are of the opinion and so find that no rights of the public served by the passenger service sought to be discontinued have been or will be injuriously affected and that the public convenience and necessity requires that authority should be granted in Application No. 3032 to discontinue the operation of trains Nos. 15 and 16 between Minturn and Grand Junction, Colorado, and to discontinue the operation of trains Nos. 315 and 316 between Gunnison and Montrose, Colorado, and to discontinue the operation of mixed trains Nos. 353 and 354 between Montrose and Ouray, Colorado, subject to the conditions imposed in our original order. This was the tenor and effect of our former order in which no other conclusion may be reached other than ^{that} the such findings were implied from the terms of the order and the authority therein granted. To remove the objections of the protestants we make these findings specifically by way of affirming what we have already said with respect to this question.

Objection No. 18 was withdrawn by counsel when application for rehearing was argued so it is not necessary to consider same.

Therefore, after having considered said application for rehearing and reviewed the record herein, the Commission is of the opinion and so finds that said application for rehearing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the application for rehearing filed herein by protestants The Board of County Commissioners of Gunnison County, Colorado; The Board of Trustees of the Town of Gunnison, Colorado; The Gunnison County Chamber of Commerce; and The Gunnison County Stock Growers Association, be, and the same is, hereby denied.

IT IS FURTHER ORDERED, That the Commission does hereby retain jurisdiction herein for the purpose of hearing any complaints in the future

concerning the adequacy of the service furnished by applicants on any of the routes involved in this proceeding.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

W. L. Danks

Walter S. Nixon

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

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(Decision No. 8268)

~~CONTROL~~

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
M. E. STUTHEIT.)

CASE NO. 1750

August 13, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against M. E. Stutheit, holder of private permit No. A-695, for his failure to comply with the rules and regulations of the Commission in that he failed to file list of customers, description of equipment, provide necessary insurance, satisfy Distrainment Warrant No. 1212, and to make monthly reports and pay highway compensation tax since November, 1934.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place respondent appeared and stated that he stopped operations in 1934 on account of the dust storms ruining the engine in his truck and destroying all the crops in the country; that he had some \$26.00 taxes which were due, had not had his truck repaired as yet and that there were no crops in the Idalia section this year, and he requested that his permit be suspended for a period of six months and in the meantime he might be able to pay the back taxes and again resume operations, otherwise, he would be compelled to have his permit revoked. The respondent stated that he never received Distrainment Warrant No. 1212; as a matter of fact, he had been away from home working in another part of the state.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the respondent failed to comply with the rules and regulations of the Commission through forced conditions over which he had little control and that his intentions were undoubtedly the very best and that request for a six months' suspension should be granted.

O R D E R

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

IT IS FURTHER ORDERED, That private permit No. A-695, heretofore issued to M. E. Stutheit, be, and the same hereby is, suspended for a period of six months from the date of this order; provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien
W. C. Danks

Malcolm E. Simon
Commissioners

Dated at Denver, Colorado,
this 13th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST LUCKE.)

CASE NO. 1733 ✓

August 13, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued show cause order against Ernest Lucke, holder of private permit No. A-652, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file a list of customers and a description of his equipment.

The case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place it was disclosed that since the issuance of said order, the respondent had filed a complete list of his customers and reported a description of his equipment.

After careful consideration of the record, the Commission is of the opinion and finds that since respondent has now fully complied with all rules and regulations of the Commission, the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ernest E. Pollock

W. C. Danks

W. C. Danks
Commissioners

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD DEWEY CARR.)
-----)

CASE NO. 1745 ✓

CONTROL

August 13, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission;
Mr. Floyd Dewey Carr, Parshall, Colorado,
pro se;

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Floyd Dewey Carr, holder of private permit No. A-679, for his failure to comply with the rules and regulations of the Commission in that he failed to make reports and pay highway compensation tax for the months of January to July, 1936, inclusive, and failed to satisfy Distrain Warrant No. 1046.

The case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M., at which time and place respondent testified that he conducted a ranching business near Parshall, Colorado and did some trucking at odd times but at the end of the month he was so busy with his varied operations and not having any money to accompany the reports, he failed to make reports as required. Respondent further testified that since receiving the show cause order, he had made up all reports and paid the tax which he owed and that in the future he would try to keep everything up to date.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that since respondent has now fully complied with the rules and regulations of the Commission, the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene J. Danks
W. C. Danks
Walter Danks
Commissioners

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES J. LaBORDE.)

CASE NO. 1731 ✓

August 13, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Charles J. LaBorde, holder of private permit No. A-640, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file the necessary insurance and a description of equipment used in the conduct of his operation.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the records disclosed that the respondent had since the issuance of said order provided the necessary insurance and filed a description of his equipment.

After careful consideration, the Commission is of the opinion and finds that the respondent has now complied with all rules and regulations of the Commission and that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dames
W. C. Danks
Walter E. Dickson
Commissioners

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL
RE MOTOR VEHICLE OPERATIONS OF)
JOHN W. MILLER.)

✓
CASE NO. 1732

August 13, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against John W. Miller, holder of private permit No. A-647, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file a complete list of customers.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice) at which time and place the record disclosed that since the issuance of said order the respondent had provided a complete list of his customers.

After careful consideration, the Commission is of the opinion and finds that respondent has now fully complied with all rules and regulations of the Commission and that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks
W. C. Danks
Rueben Simpson
Commissioners

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. E. COWAN.)

CASE NO. 1736 ✓

August 13, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against G. E. Cowan, holder of private permit No. A-659, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file a list of his customers and a description of his equipment.

This case was called for hearing at the State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the record disclosed that the respondent had filed a complete list of his customers and had furnished a description of equipment used in the conduct of his operation.

After a careful consideration, the Commission is of the opinion and finds that respondent has now fully complied with all rules and regulations of the Commission and that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. D. Danks
W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE L. CLEMENTI.)

CASE NO. 1735

August 13, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Joe L. Clementi, holder of private permit No. A-655, for his failure to comply with the rules and regulations of the Commission in that he failed to keep on file with the Commission a list of customers and a description of his equipment.

The case was called for hearing at State Office Building, Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place respondent failed to appear.

The testimony of the Secretary showed that the respondent was still in default and violating the rules and regulations of the Commission.

After careful consideration of the record, the Commission is of the opinion and finds that the respondent has violated the rules and regulations of the Commission and that his permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-655, heretofore issued to Joe L. Clementi, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Thomas
McDanks

Maen Suckom
Commissioners

Dated at Denver, Colorado,
this 13th day of August, 1936.

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(Decision No. 8275)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLAY SNYDER)

✓
CASE NO. 1746

August 13, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the operations of Clay Snyder, under his private permit No. A-680, for his failure to comply with the rules and regulations of the Commission in that he failed to file a list of customers and to report description of equipment used.

This case was called for hearing at State Office Bldg., Denver, Colorado, on July 22, 1936, at 10 o'clock A. M. (pursuant to due notice), at which time and place the records disclosed that the respondent had filed a list of his customers, had reported the equipment used in his operations, and had fully complied with all of the rules and regulations of the Commission.

After careful consideration of the record, the Commission is of the opinion and finds that since respondent has fully complied with all of the rules and regulations of the Commission, the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Deane
W. C. Danks
Maclure
Commissioners

Dated at Denver, Colorado,
this 13th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK PRECHTEL.)

CASE NO. 1805

August 17, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. B-971 should not be suspended or revoked for his failure to make monthly reports, file with the Commission the required insurance and description of his equipment.

Since the issuance of said show cause order, a letter has been received from respondent admitting the allegations contained in the complaint and asking that permit be revoked, with leave to reinstate at any time within six months by filing insurance and otherwise complying with our rules and regulations.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked with the privilege of reinstatement within six months from the date hereof upon full compliance with the law and our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. B-971, heretofore issued to Frank Prechtel, should be, and the same is hereby revoked; provided, however, that same may be reinstated at any time within six months from the date hereof upon written request from respondent and full compliance with all our rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. H. D. [unclear]
W. H. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 17th day of August, 1936.

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(Decision No. 8277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. J. HAMANN.)

CASE NO. 1806 ✓

August 17, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-976 should not be suspended or revoked for his failure to make monthly highway compensation tax reports, file the required insurance and description of his equipment.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-976, heretofore issued to H. J. Hamann, should be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
W. E. Danks
W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 17th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
MARY A. ORGAN.)

CASE NO. 1808

August 17, 1936

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why her private permit No. B-984 should not be suspended or revoked for her failure to file with the Commission the required insurance and a description of her equipment.

At the hearing, the evidence disclosed that respondent had satisfied the above delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock

W. D. Danks

W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 17th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE POSEY OIL AND SERVICE.)

CASE NO. 1811

August 17, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why its private permit No. B-996 should not be suspended or revoked for its failure to file the required insurance and a description of its equipment.

The evidence disclosed that on April 8, 1936, while being operated by the Sunflower Oil Company, said permit was suspended for a period of six months, with the privilege of reinstatement upon written request and full compliance with our rules and regulations.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deedes
W. D. Danks
W. A. Emerson
Commissioners.

Dated at Denver, Colorado,
this 17th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
F. J. KULHANEK.)

CASE NO. 1810

August 17, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. B-994 should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance, and for his failure to file a list of his customers and description of his equipment.

At the hearing, the evidence disclosed that respondent had satisfied all of the above delinquencies.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

W. C. Danks

Maen Emerson

Commissioners.

Dated at Denver, Colorado,
this 17th day of August, 1936.

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CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY POOLE.)
-----)

CASE NO. 1826

August 13, 1936

S T A T E M E N T

By the Commission:

On July 13, 1936, the Commission entered an order requiring respondent, Roy Poole, to show cause why it should not enter an order requiring him to cease and desist from operating as a motor vehicle carrier, as defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, unless and until he procured a certificate of public convenience and necessity as required by law. The matter came on for hearing on August 5, 1936, the respondent having filed his answer admitting the allegations of the show cause order and attempting to justify his failure to apply for and obtain a certificate of public convenience and necessity on the ground that he did not operate outside of the city limits of Trinidad and that it was unnecessary to obtain such authority.

// From the record as made, it appears that the respondent, Roy Poole, is operating as a common carrier by motor vehicle for the transportation of property within the city limits of Trinidad, Colorado and has failed to obtain a certificate of public convenience and necessity as required by law authorizing him to engage in such business. Therefore, the Commission is of the opinion, and so finds, that the respondent, Roy Poole, should be required to cease and desist from operating as a common carrier by motor vehicle unless and until he shall obtain a certificate of public convenience and necessity as required by law.

O R D E R

THEREFORE, IT IS ORDERED BY THE COMMISSION, That the Respondent, Roy Poole, cease and desist from operating as a motor vehicle carrier as defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, unless

and until he shall obtain a certificate of public convenience and necessity in the manner and form required by law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dineen

W. C. Danks

Walter H. Hixon

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE SILVERTON NORTHERN RAILROAD)
COMPANY FOR A CERTIFICATE OF CON-)
VENIENCE AND NECESSITY AUTHORIZING)
IT TO ABANDON ITS LINE OF RAILROAD)
BETWEEN EUREKA AND ANIMAS FORKS IN)
SAN JUAN COUNTY, STATE OF COLORADO.)

APPLICATION NO. 3360

August 15, 1936.

Appearances: Mr. Norman F. Bawden, Silverton, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

Authority is sought in the instant application to authorize The Silverton Northern Railroad Company to abandon its line of railroad between Eureka and Animas Forks, in San Juan County, Colorado.

The evidence disclosed that the last train operated between Eureka and Animas Forks, a distance of four and one-half miles, was in 1917. The Silverton Northern Railroad Company's property consists of a narrow gauge line extending from Silverton to Eureka, a distance of eight miles, and the so-called "Green Mountain Branch", extending from Silverton two and one-half miles up what is known as "Cunningham Gulch". These lines are in addition to the line extending from Eureka to Animas Forks. No operations have been conducted on any part of the line since August 13, 1932. The equipment of the company consists of 3 engines, 2 coaches and 2 flanges. No freight cars are owned, and when said railroad was in operation, they used the freight cars of the Denver and Rio Grande Western Railroad Company.

It was further disclosed that the line between Eureka and Animas Forks is in very poor condition. The ties are entirely rotted and the bridges and culverts are all gone. It is estimated that it would cost around \$30,000 to rehabilitate said line. The prospect of any business being developed on said Eureka-Animas Forks branch is entirely lacking.

It further appears that it is the desire of the Board of County Commissioners of San Juan County to use the railroad grade for the purpose of constructing a county highway between Eureka and Animas Forks, and witnesses testified to the effect that as long as the railroad operation could not possibly be sustained, it was felt that the district would be better served with a good highway over which trucks could operate.

No one appeared in opposition to the granting of the application, and the Commission has received letters from a number of owners of mining property in that district, all advising us to the effect that in their opinion the petition should be granted.

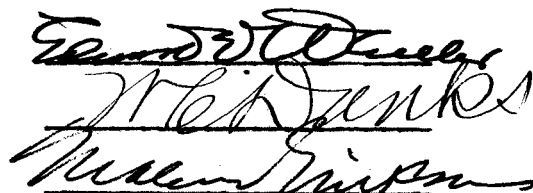
After a careful consideration of the record, the Commission is of opinion, and so finds, that the present and future public convenience and necessity require the abandonment as to intrastate commerce, on and after August 15, 1936, by The Silverton Northern Railroad Company of its line of railroad in San Juan County, extending from Eureka to Animas Forks, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That The Silverton Northern Railroad Company be, and the same is hereby, authorized on and after August 15, 1936, to abandon its said line of railroad situate in San Juan County, Colorado, and extending from Eureka to Animas Forks, and to cease all operations thereon as a common carrier in intrastate commerce, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said Silverton Northern Railroad Company be, and the same is hereby, directed to cancel, upon one day's notice and posting, all effective tariffs on file with the Commission covering its line between Eureka and Animas Forks in accordance with the Public Utilities Act of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1936.

CONTROL
9D

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF CLARENCE SHAW, DOING)
BUSINESS AS SARATOGA TRUCK)
LINE.)

INTERSTATE PERMIT NO. A-550-I

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92
2-5-5-0
ag

August 17, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clarence Shaw, doing business as Saratoga Truck Line, requesting that his Interstate Permit No. A-550-I be cancelled for the reason that he has made application for an interstate common carrier permit covering the same operation.

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

O R D E R

IT IS THEREFORE ORDERED, That Interstate Permit No. A-550-I, heretofore issued to Clarence Shaw, doing business as Saratoga Truck Line, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen
W. C. Danks
Maureen E. Egan
Commissioners

Dated at Denver, Colorado,
this 17th day of August, 1936.

CONTROL
95

(Decision No. 8288)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF EDWARD C. BURTON FOR AN EXTENSION)
OF HIS PRIVATE PERMIT NO. A-1244.)

APPLICATION NO. 2909-PP-B

August 17, 1936

Appearances: McCloskey and Beise, Esqs., Durango, Colorado,
for Rio Grande Motor Way, Inc.;
Edward C. Burton, Eureka, Colorado,
pro se;

S T A T E M E N T

By the Commission:

Applicant is the owner of permit No. A-1244 which authorizes the transportation of freight and express from and to Silverton, Colorado, to and from Eureka, Colorado, and the vicinity thereof, and points intermediate thereto. In the instant application, he seeks authority to extend his operation to include the right to transport freight and express from Eureka to Durango and return, and from Eureka to Montrose and return.

Applicant stated that while he sought authority to transport all classes of freight, his principal haul would be coal to the Sunnyside mine from the Durango district.

On behalf of protestants, evidence was introduced to the effect that the Rio Grande Motor Way now operates a truck three times a week between Durango and Montrose, via Silverton; that considerable freight is transported from Montrose to Durango, but freight upon the return trip from Durango is very light. Exhibits were introduced showing that said Motor Way had operated in the years 1934 and 1935 at a net loss in said district, and it was testified that any further diminution in its revenue would impair the service that it was rendering the general public.

No objections were made by protestants to the authority sought by applicant except his transportation of general merchandise and package freight. Nothing in the record indicates the inadequacy of the service now being rendered in the transportation of general merchandise and package freight between Montrose and Silverton and Durango and Silverton, and it affirmatively appears that the granting of any further authority for the transportation of said commodities would in fact impair the efficiency of established common carrier operations.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant application should be granted, with the exception of the right to transport general merchandise and package freight.



O R D E R

IT IS THEREFORE ORDERED, That Edward C. Burton, of Eureka, Colorado, be, and he is hereby, authorized to extend his operations under permit No. A-1244 to include the right to transport freight, excepting general merchandise and so-called "package freight", to and from Eureka from and to Durango and Montrose, with the right to serve the intermediate point of Silverton, Colorado, in the transportation of such freight as would not be in competition with the Rio Grande Motor Way, Inc.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 17th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR W. MASON AND LLOYD B. MASON,)
DOING BUSINESS AS MASON BROTHERS,)
FOR A PERMIT TO OPERATE AS A CLASS)
"B" PRIVATE CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3359-PP

August 17, 1936

Appearances: Mr. Arthur W. Mason, Durango, Colorado,
pro se and for Mason Brothers;
McCloskey and Beise, Esqs., Durango, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

As limited by the testimony, applicants seek authority to transport farm products, including livestock, from point to point within a radius of 25 miles of Durango, Colorado.

The evidence disclosed that Arthur W. Mason and Lloyd B. Mason are brothers and will conduct said operation as equal partners. They own a 1½-ton 1934 Chevrolet truck, and their financial standing and operating reliability were established to the satisfaction of the Commission.

As limited above, no objections were interposed to the granting of the permit.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Arthur W. Mason and Lloyd B. Mason, doing business as Mason Brothers, be, and they are hereby, authorized to operate as Class B private carriers by motor vehicle, for hire, for the transportation of farm products, including livestock, from point to point within a radius of 25 miles of Durango, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

McDanks

Susan Erickson
Commissioners

Dated at Denver, Colorado,
this 17th day of August, 1936.

CONTROL
25

(Decision No. 8290)

B. 477

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
HERBERT A. PREUSS FOR AN EXTENSION)
OF HIS PRIVATE PERMIT NO. A-497.)

APPLICATION NO. 3373-PP

August 24, 1936

Appearances: Mr. Herbert A. Preuss, Kirk, Colorado,
pro se;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

On July 21, 1931, private permit No. A-497 issued to Herbert A. Preuss for the transportation of freight generally between Denver and Kirk, Colorado.

Mr. Preuss now seeks to have his authority extended or changed so as to authorize the transportation of farm products (including live stock) and farm supplies (including farm machinery) from point to point within a radius of 15 miles of Kirk, Colorado, and from and to points in said area to and from Denver and points in Yuma and Kit Carson counties, said permit No. A-497 hereafter to be known as permit No. B-497.

Applicant stated that under his Class A permit, his transportation service has been limited to the transportation of farm products and farm supplies, including machinery and live stock, and that should the extension requested be granted, he was willing to have his authority restricted to the transportation of such commodities.

There was no objection to the issuance of extension as limited or to the transformation of said Class A permit to a Class B permit.

After a careful consideration of the record, the Commission is of the opinion, and finds that said application, as limited by the testimony, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said private permit No. A-497 should be changed to and hereafter shall be known as permit B-497 instead of A-497, and the records and files of the Commission amended accordingly.



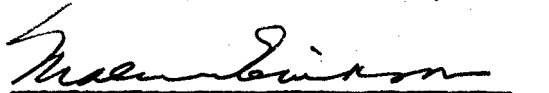
IT IS FURTHER ORDERED, That said Herbert A. Preuss should be, and he hereby is authorized under said original and extended permit to operate as a Class B private carrier by motor vehicle, for hire, for the transportation of farm products (including live stock) and farm supplies (including farm machinery) from point to point within a radius of 15 miles of Kirk, Colorado, and from and to points in said area to and from Denver and points in Yuma and Kit Carson counties, without the right to serve points intermediate Denver to Kirk..

IT IS FURTHER ORDERED, That the authority herein granted shall be and is granted in lieu of and as an extension of the authority heretofore granted under permit No. A-497.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of August, 1936.

(Decision No. 8291)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF S. A. POTTER FOR AN EXTENSION)
OF HIS PRIVATE PERMIT NO. A-643.)

APPLICATION NO. 3367-PP-B

August 17, 1936

Appearances: Russell and McKelvey, Esqs., Durango, Colo-
rado, for applicant;
McCloskey and Beise, Esq., Durango, Colo-
rado, and
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.

S T A T E M E N TBy the Commission:

Applicant S. A. Potter of Pagosa Springs, Colorado, is now the owner of permit No. A-643, authorizing the transportation of freight between Denver and Pagosa Springs, Colorado, and in the instant application he seeks to extend his authority under said permit to transport freight between Pagosa Springs and Durango, Colorado, and intermediate points. He does not propose to transport any through freight from Denver to Durango or from Durango to Denver, but testified that he would be willing to confine said extension to the transportation of freight originating at Pagosa Springs for delivery in Durango or originating in Durango for delivery in Pagosa Springs.

Applicant has an International 1936 1½-ton truck, against which a \$600 mortgage exists. He stated that he would put on another truck if granted this extension and would be able to finance the purchase of same.

He testified that he now transports hardware, groceries and other freight from Pagosa Springs and desires to haul for the same customers in Pagosa from Durango to Pagosa, as well as from Pagosa to Durango. He further testified that he had heard some complaints from his different customers about the present service being rendered by the common carrier now operating between Durango and Pagosa Springs, but had personal knowledge of only one

instance which consisted of the delivery of three stoves in a damaged condition. One of the principal shippers between Durango and Pagosa Springs testified that he had received complaints relative to the present service being rendered, with particular reference to the time of delivery of freight in Pagosa Springs out of Durango. It developed that Rio Grande Motor Way, which is the only common carrier operating from Durango to Pagosa Springs and points east, has a truck leaving Durango for Pagosa Springs and points east at 4:00 P. M. This truck arrives in Pagosa too late for delivery of freight to merchants that same day and said freight is now being delivered the next morning by local delivery service. One witness from Pagosa Springs testified that if service was not improved, he would be compelled to put on his own truck.

On behalf of protestant, evidence was introduced to the effect that they would be willing to advance the hour of departure of said truck from Durango from 4:00 P. M. to 1:30 or 2:00 P. M. in order that merchants in Pagosa Springs might receive delivery of freight that same afternoon. The reason given for the late departure of said truck from Durango was the fact that it enabled the truck to deliver Durango papers to points east the same day the paper was published. However, in the opinion of the witness for protestant, this service did not justify the late arrival of freight for merchants in Pagosa Springs. While one shipper testified that he shipped approximately 10,000 pounds of freight per week to Pagosa Springs, no evidence was introduced to show the total volume of freight so moved.

Further evidence was introduced by protestant to show that the granting of any more authority to transport freight between Pagosa Springs and Durango would impair the efficiency of its service to the public.

While it is true that the Commission does not ordinarily grant permits where the record affirmatively discloses that such action will impair the efficiency of the common carrier's established service, yet this rule would not apply in the event the common carrier is not rendering adequate and satisfactory service. Protestants testified that in their opinion much of the complaint that was now being made by Pagosa Springs merchants could be obviated,

and stated it was their intention so to do. We are inclined to believe that protestant should have this opportunity before granting further authority in said area which might result in an impairment of common carrier service to the general public.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant application should be denied, subject to the right of applicant to renew his application at any time if it should appear that the established common carrier between Durango and Pagosa Springs is not rendering reasonably adequate and satisfactory service to the general shipping public.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby, denied; provided, however, that applicant may renew the same at any time in the future if it should appear that the established common carrier between Durango and Pagosa Springs is not rendering reasonably adequate and satisfactory service to the general public.

IT IS FURTHER ORDERED, That jurisdiction of the instant case be, and the same is hereby, retained to the end that such further orders may be made and entered as conditions may require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel J. Danks

W. C. Danks

Maer J. Danks

Commissioners

Dated at Denver, Colorado,
this 17th day of August, 1936.

CONTROL
ED

(Decision No. 8292)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WILLIAM STUART FOR CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE TRUCK SERVICE BETWEEN A)
FIFTEEN-MILE RADIUS OF BRIGHTON,)
COLORADO, AND OTHER POINTS IN THE)
STATE OF COLORADO IN IRREGULAR)
SERVICE.)

APPLICATION NO. 3254

204 W 6th Ave

August 17, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Fuller Truck Line;
Winston S. Howard, Esq., Denver, Colorado,
for George W. Stockton, M. A. Harsch,
P. C. McKee and Blakeley and Blakeley.

S T A T E M E N T

By the Commission:

As limited by the evidence, applicant seeks a certificate of public convenience and necessity authorizing the transportation of live stock, farm products and farm supplies out of, into and between points within a 15-mile radius of Brighton, Colorado, and from said area to and from other points in the State of Colorado, in irregular service. He also seeks authority to transport all types of commodities, except milk and cream, within said area and from said area to other points in the State of Colorado save and except that no such service is contemplated where the same would come in competition with any common carrier line operators. Applicant also exempts Denver and the Denver Stockyards from his 15-mile radius as originating points for any freight.

On behalf of applicant, evidence was introduced tending to show the

public convenience and necessity for the proposed operation. It appears that no local common carrier service is now available at Brighton. A number of witnesses testified as to the need for such service, particularly in so far as the transportation of farm products is concerned. Some evidence was introduced to show a need for said service in so far as the transportation of livestock is concerned. It developed that some four or five feed lots exist in Adams County and that there is a need for local service in the transportation of cattle from and to said feed lots by a local man. However, the evidence as to the necessity for service to the Denver Stockyards was not of a satisfactory nature.

On behalf of protestants, evidence was introduced to show that the area in question, or a considerable portion of same, is now served by a number of common carriers of live stock living in Denver, as well as other common carriers of live stock in other areas. It was disclosed that Blakley and Blakley keep their equipment at Adams City, which is approximately 10 miles from Brighton. Said equipment, as well as that of other common carriers operating in said territory, is not used to its maximum capacity, and it was further disclosed that the loss of business in said Brighton area would materially affect the revenues now being received by Blakley and Blakley.

Some evidence was introduced to the effect that farmers living in the area in question who might have live stock to transport, would be required to go into Brighton and phone to Denver or other points for transportation service, a trip to Brighton being necessary because they had no phones. It would appear, however, that this same necessity would arise even if a local carrier were given a certificate.

It is true that the Commission has quite generally granted at least one local common carrier irregular service in the principal towns throughout the State, and we would be inclined to do the same at Brighton if it were not for the fact of its close proximity to Denver, it being only 15 miles from the city limits of Denver to Brighton.

It further appeared from the evidence that the Fuller Truck Line is

authorized to serve a portion of the area in question for a distance of two miles on either side of Highway No. 85. Applicant testified that he did want to transport farm products and live stock from this two-mile area, but would waive the transportation of farm supplies into said area. Fuller Truck Line had no objection to applicant transporting grain or live stock from said area, but did object to the transportation of other farm products. If we understand the record correctly, applicant is satisfied if given the right to transport only grain and live stock therefrom.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the operations of applicant as hereinafter limited.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of applicant for the transportation of farm products, excluding live stock, out of, into and between points within a 15-mile radius of Brighton, Colorado, including the right to transport farm supplies to farms only within said 15-mile radius; provided, however, that said farm supplies shall not be transported to any area now served by Fuller Truck Line. The further right is granted said applicant to transport live stock from point to point within said 15-mile area, but not to the Denver Stock Yards, and also to transport all other commodities except milk and cream from point to point within said area and from said area to and from other points in the State of Colorado, save and except that such transportation shall not be made where the same competes with any established common carrier line operator.)

IT IS FURTHER ORDERED, That Denver and the Denver Stock Yards shall be eliminated as points where freight is originated, save and except for the transportation of farm supplies to the farmers within said 15-mile radius of Brighton as above limited, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates,

rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
W. C. Danks
Walter E. Egan
Commissioners

Dated at Denver, Colorado,
this 17th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BASSETT TRANSFER COMPANY)

CASE NO. 1740.

August 24, 1936.

S T A T E M E N T

By the Commission:

On July 28, 1936, the Commission issued an order revoking Permit No. A-669, on account of the Bassett Transfer Company having failed to comply with certain rules and regulations of the Commission. This Case No. 1740, was heard July 22, 1936, pursuant to notice.

However the record now discloses that the respondent was not familiar with the rules and regulations of the Commission and did not understand the purport of the show cause order. The Commission is now in receipt of a letter from the Bassett Transfer Company, which discloses the fact that the principal customer served by the Bassett Transfer Company is the Denver and Rio Grande Western Railroad Company and that there was no intended violation of the rules on the part of this company.

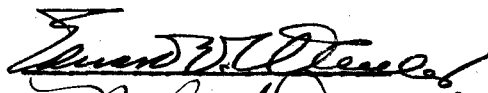

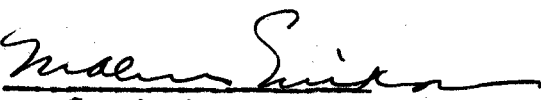
After careful consideration of the communication and the record, the Commission is of the opinion and finds that the order contained in Decision No. 8143, under date of July 28, 1936, should be revoked and the permit reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 8143, dated July 28, 1936, be and the same hereby is revoked and private permit No. A-669 be and the same is hereby reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of August, 1936.




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL

IN THE MATTER OF THE APPLICATION OF H. E.)
BOZARTH FOR A CLASS B PERMIT TO OPERATE)
AS PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 3393-PP.

August 24, 1936.

Appearances: H. E. Bozarth, Haxtum, Colorado, pro se.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport farm products from farms within a radius of 12 miles of Haxtum, Colorado to elevators and markets within said area and for the transportation of feed and grain from points within 20 miles of Haxtum, back to the area above-described for farmers residing therein.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that as limited, the application should be granted.

O R D E R

IT IS THEREFOR ORDERED, That H. E. Bozarth of Haxtum, Colorado be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products, from farms within a radius of 12-miles of Haxtum, Colorado to elevators and markets therein and for the transportation of feed and grain from points within 20 miles of Haxtum to customers residing within the above described 12 mile radius and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Threlkeld

W. C. Danks

Walter E. Brown

Commissioners.

Dated at Denver, Colorado
this 24th day of August, 1936.

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4167
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 8295)

RE MOTOR VEHICLE OPERATIONS)
OF MILES BATEMAN.)

✓
CASE NO. 1739.

CONTROL

August 24, 1936.

S T A T E M E N T

By the Commission:

On July 28, 1936, the Commission issued an order revoking Permit No. A-667, pursuant to a show cause order, and after hearing wherein it was disclosed that the respondent had failed to keep on file a complete list of his customers and to furnish a description of his equipment.

It now appears from the record in this case that the respondent, Miles Bateman, had sent in his list of customers immediately prior to the hearing on the show cause order and that at this time a description of equipment is on file.

After careful consideration of the record, the respondent having now complied with all rules and regulations of the Commission, the Commission is of the opinion and finds that the order revoking said permit should be set aside and permit No. A-667 reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 8145 issued under date of July 28, 1936 be, and the same is hereby revoked and permit No. A-667, be and the same is hereby reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of August, 1936.

Edward B. Danks
McDanks

Walter L. Danks
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
MINES TRANSIT COMPANY FOR AN EXTEN-)
SION OF PRIVATE PERMIT NO. A-813.)

CONTROL #1
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UP
APPLICATION NO. 3241-PP-A-B.

August 24, 1936.

Appearances: Walter Utzinger, Monte Vista, Colorado, and
George Shallinger, Silverton, Colorado, for
Applicant;
Claude Deering, Silverton, Colorado, pro se.

S T A T E M E N T

By the Commission:

Through transfer from George T. Black, Mines Transit Company, applicant in the instant case, is now the owner of Permit A-813, authorizing an operation between Alamosa, La Jara and Monte Vista and the Summitville mining district, via various county highways, including intermediate points.

In the instant case, they seek authority to transport ore and mining and mill supplies from point to point within a radius of 20 miles of Silverton, Colorado, as well as between the Summitville and Platora mining districts and Alamosa, La Jara, Conejos, Del Norte and South Fork, Colorado.

On behalf of applicants, the evidence disclosed that they own eight trucks running from $1\frac{1}{2}$ -ton to 3-ton rated capacity. They started operations in the Silverton area, but were stopped for lack of authority, with the result that they filed the instant application. After being stopped for lack of authority, their trucks were leased to one of the mining companies at Silverton and said company has been operating same in the transportation of their ore to the Shenandoah-Dives mill near Silverton.

The only evidence on behalf of protestant disclosed that he is operating as a private carrier in the Silverton territory. The proposed operation of applicant would undoubtedly interfere with and impair the service of said protestant, but under the law the Commission can only

consider the question of impairment of service of a common carrier in cases of this kind.

It appears that the question of rates was largely instrumental in bringing applicant into the Silverton area. It does not appear that any common carrier is now authorized to serve said district in the transportation of ore and mine and mill supplies outside of the Rio Grande Motor Way, which operates a line haul from Grand Junction to Durango via Silverton.

After a careful consideration of the record, and in view of the fact that no common carrier service would be impaired by the granting of the extension sought, the Commission is of the opinion, and so finds, that the instant application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Mines Transit Company, a corporation, operating under Permit A-813, be, and it is hereby authorized to extend the scope of its operations under said permit to include the right to transport ^{ORE} ~~ore~~, concentrates, and mining and mill supplies, from point to point within a radius of 20 miles of Silverton, Colorado, as well as from and to Summitville and Platora mining districts to and from Alamosa, La Jara, Monte Vista, Del Norte, Conejos and South Fork, Colorado.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danko

W. A. Robinson

Commissioners.

Dated at Denver, Colorado
this 24th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
M. F. MOORE, DOING BUSINESS AS M. F.)
MOORE TRUCK LINE, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO J. S. COLEMAN.)

APPLICATION NO. 1315-A.
~~APPLICATION NO. 1898-A.~~

August 24, 1936.

Appearances: Mr. M. F. Moore, Mancos, Colorado,
pro se and for J. S. Coleman, of
Cortez, Colorado.

S T A T E M E N T

By the Commission:

M. F. Moore, doing business as M. F. Moore Truck Line, is now the owner of a certain certificate of public convenience and necessity, heretofore issued in Application No. 1315 and thereafter extended in Application No. 1898. Authority is sought in the instant case to transfer said certificate to J. S. Coleman of Cortez, Colorado, who desires to operate the same under the title and name of "J. S. Coleman Truck Line".

The evidence disclosed that transferee is a reliable operator and his financial standing was established to the satisfaction of the Commission. It does not appear that any unpaid obligations exist against the present operation.

No protests were filed in opposition to the proposed transfer.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That M. F. Moore, doing business as M. F. Moore Truck Line, be, and he is authorized to transfer and convey to J. S. Coleman of Cortez, Colorado, that certain certificate of public convenience and necessity heretofore issued to M. F. Moore in Application No. 1315 and including the extension granted in Application No. 1898.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Danks

McDanks

Walter E. Danks

Dated at Denver, Colorado
this 24th day of August, 1936.

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL)
INVESTIGATION OF THE FREIGHT)
RATES, AND CLASSIFICATION OF)
FREIGHT, OF ALL COMMON AND)
PRIVATE MOTOR VEHICLE CARRI-)
ERS.)

CASE NO. 1585.

August 20, 1936.

Appearances:

George Swerer, Esq., Denver, Colorado, for The Motor Truck
Common Carriers Association; The McKie Transfer Company;
Larson Transportation Company; Northeastern Motor Freight,
Inc.; Consolidated Fast Freight, Inc.; Pueblo-San Luis
Valley Transportation Co., Inc.; Southwestern Transporta-
tion Company, and other carriers.

Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck
Common Carriers Association and member carriers; The
Colorado Transfer and Warehousemen's Association, and
for Colman Truck Lines.

T. A. White, Esq., and Mr. W. M. Carey, Denver, Colorado,
for The Rio Grande Motor Way, Inc.

D. Edgar Wilson, Esq., and J. G. Hodges, Esq., Denver,
Colorado, for Rocky Mountain Motors, Inc.

Mr. Edward Stein, Mr. F. C. Rockne, and Mr. F. O. Reed,
Denver, Colorado, for Railway Express Agency, Inc.

E. L. Brock, Esq., Denver, Colorado, for Denver and Salt
Lake Railway Company.

J. Q. Dier, Esq., Denver, Colorado, for Colorado &
Southern Railway Co., and Chicago, Burlington & Quincy
Railroad Co.

P. H. Coon, St. Louis, Missouri, for Missouri Pacific
Railway Co.

Mr. A. J. Tait, Pueblo, Colorado, for The Nuckolls Packing
Company.

Mr. L. A. Griffith, Central City, Colorado, for certain
private motor carriers.

Arthur Aldrich, Esq., and Mr. G. H. Curnow, Idaho Springs,
Colorado, for Curnow Livery and Transfer.

Richard E. Conour, Esq., and Mr. T. S. Wood, Rate Expert,
Expert, Denver, Colorado, for The Public Utilities
Commission.

Mr. A. J. Fregeau, Denver, Colorado, for Weicker Trans-
portation Company, and Weicker Transfer & Storage Co.

Mr. W. G. Lyons, Pueblo, Colorado, for Traffic Bureau,
Chamber of Commerce, and the Manufacturers and Dis-
tributors Association, Pueblo, Colorado.

Marion F. Jones, Esq., Longmont, Colorado, for The Colorado
Trucking Association, C. C. Cox, Perry Truck Line, C. H.
Capron and Luie Ammerman.

T. S. Harp, Meeker, Colorado, for Harp Brothers.

Bert Hall, Parker, Colorado, for Hall Truck Line.

V. G. Garnett, Denver, Colorado, for The Colorado Rapid Transit Company.
 Mr. Harry Dickinson, Denver, Colorado, for Denver Chamber of Commerce.
 Worth Allen, Esq., Denver, Colorado, for Bennie Goldstein, J. D. Perry, A. L. Bethke, Northern Colorado Dairy Company.
 Winston S. Howard, Esq., Denver, Colorado, for various carriers of livestock.
 Winbourn McDonald, Denver, Colorado, for Carlson-Frink Ice Cream Company, and Frink Creamery Company.
 R. W. Lentz, Denver, Colorado, for Swift and Company.
 A. J. Baumann, Denver, Colorado, for Armour and Company.
 W. D. Harding, Denver, Colorado, for Cudahy and Company.
 M. B. Nichols, Fort Collins, Colorado, for Extension Service, Colorado State College.
 W. M. Rodgers and W. C. Moore, Denver, Colorado, for various milk shippers.
 E. B. Peterson, Colorado Springs, Colorado, for Woodward Truck Line.
 Robert S. Palmer, Esq., Denver, Colorado, for Colorado Mining Association.
 J. H. Harriss, Manzanola, Colorado, for Harriss Transfer Co.
 R. C. Fyfe, Chicago, Illinois, for the Western Classification Committee.
 George T. Kearns, Jr., and R. G. Chaney, Denver, Colorado, for Hercules Powder Company and Chaney Explosives Co.
 Albert L. Vogl, Esq., Denver, Colorado, for Northern Colorado Coals, Inc.
 E. W. Martindell, Denver, Colorado, for Ideal Cement Company.
 J. D. Welborn, Brighton, Colorado, for Kuner-Empson Company.
 O. P. Siddons, Colorado Springs, Colorado, for Holly Sugar Corporation.

S T A T E M E N T

By the Commission:

In our original Decision No. 7118 we prescribed rates, charges, classification and exceptions thereto to be charged and collected on and after April 1, 1936, by all motor vehicle common carriers operating in Colorado in intrastate commerce and all private carriers by motor vehicle competing with any such motor vehicle common carrier or carriers.

As stated in our Decision No. 7751 of June 26, 1936, "This is the first attempt to establish some order out of the chaotic conditions which have heretofore prevailed in the transportation industry; neither the Commission nor the carriers who took part in

public convenience and necessity for the proposed operation. It appears that no local common carrier service is now available at Brighton. A number of witnesses testified as to the need for such service, particularly in so far as the transportation of farm products is concerned. Some evidence was introduced to show a need for said service in so far as the transportation of livestock is concerned. It developed that some four or five feed lots exist in Adams County and that there is a need for local service in the transportation of cattle from and to said feed lots by a local man. However, the evidence as to the necessity for service to the Denver Stockyards was not of a satisfactory nature.

On behalf of protestants, evidence was introduced to show that the area in question, or a considerable portion of same, is now served by a number of common carriers of live stock living in Denver, as well as other common carriers of live stock in other areas. It was disclosed that Blakley and Blakley keep their equipment at Adams City, which is approximately 10 miles from Brighton. Said equipment, as well as that of other common carriers operating in said territory, is not used to its maximum capacity, and it was further disclosed that the loss of business in said Brighton area would materially affect the revenues now being received by Blakley and Blakley.

Some evidence was introduced to the effect that farmers living in the area in question who might have live stock to transport, would be required to go into Brighton and phone to Denver or other points for transportation service, a trip to Brighton being necessary because they had no phones. It would appear, however, that this same necessity would arise even if a local carrier were given a certificate.

It is true that the Commission has quite generally granted at least one local common carrier irregular service in the principal towns throughout the State, and we would be inclined to do the same at Brighton if it were not for the fact of its close proximity to Denver, it being only 15 miles from the city limits of Denver to Brighton.

It further appeared from the evidence that the Fuller Truck Line is

authorized to serve a portion of the area in question for a distance of two miles on either side of Highway No. 85. Applicant testified that he did want to transport farm products and live stock from this two-mile area, but would waive the transportation of farm supplies into said area. Fuller Truck Line had no objection to applicant transporting grain or live stock from said area, but did object to the transportation of other farm products. If we understand the record correctly, applicant is satisfied if given the right to transport only grain and live stock therefrom.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the operations of applicant as hereinafter limited.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of applicant for the transportation of farm products, excluding live stock, out of, into and between points within a 15-mile radius of Brighton, Colorado, including the right to transport farm supplies to farms only within said 15-mile radius; provided, however, that said farm supplies shall not be transported to any area now served by Fuller Truck Line. The further right is granted said applicant to transport live stock from point to point within said 15-mile area, but not to the Denver Stock Yards, and also to transport all other commodities except milk and cream from point to point within said area and from said area to and from other points in the State of Colorado, save and except that such transportation shall not be made where the same competes with any established common carrier line operator.)

IT IS FURTHER ORDERED, That Denver and the Denver Stock Yards shall be eliminated as points where freight is originated, save and except for the transportation of farm supplies to the farmers within said 15-mile radius of Brighton as above limited, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates,

rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
W. C. Danks
Walter E. Egan
Commissioners

Dated at Denver, Colorado,
this 17th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BASSETT TRANSFER COMPANY)

CASE NO. 1740.

August 24, 1936.

S T A T E M E N T

By the Commission:

On July 28, 1936, the Commission issued an order revoking Permit No. A-669, on account of the Bassett Transfer Company having failed to comply with certain rules and regulations of the Commission. This Case No. 1740, was heard July 22, 1936, pursuant to notice.

However the record now discloses that the respondent was not familiar with the rules and regulations of the Commission and did not understand the purport of the show cause order. The Commission is now in receipt of a letter from the Bassett Transfer Company, which discloses the fact that the principal customer served by the Bassett Transfer Company is the Denver and Rio Grande Western Railroad Company and that there was no intended violation of the rules on the part of this company.

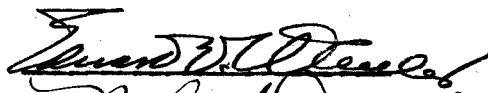

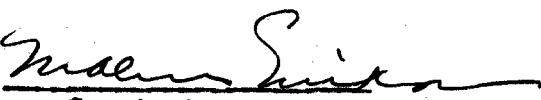
After careful consideration of the communication and the record, the Commission is of the opinion and finds that the order contained in Decision No. 8143, under date of July 28, 1936, should be revoked and the permit reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 8143, dated July 28, 1936, be and the same hereby is revoked and private permit No. A-669 be and the same is hereby reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of August, 1936.




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL

IN THE MATTER OF THE APPLICATION OF H. E.)
BOZARTH FOR A CLASS B PERMIT TO OPERATE)
AS PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 3393-PP.

August 24, 1936.

Appearances: H. E. Bozarth, Haxtum, Colorado, pro se.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport farm products from farms within a radius of 12 miles of Haxtum, Colorado to elevators and markets within said area and for the transportation of feed and grain from points within 20 miles of Haxtum, back to the area above-described for farmers residing therein.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that as limited, the application should be granted.

O R D E R

IT IS THEREFOR ORDERED, That H. E. Bozarth of Haxtum, Colorado be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products, from farms within a radius of 12-miles of Haxtum, Colorado to elevators and markets therein and for the transportation of feed and grain from points within 20 miles of Haxtum to customers residing within the above described 12 mile radius and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Threlkeld

W. C. Danks

Walter E. Brown

Commissioners.

Dated at Denver, Colorado
this 24th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 8295)

RE MOTOR VEHICLE OPERATIONS)
OF MILES BATEMAN.)

✓
CASE NO. 1739.

CONTROL

August 24, 1936.

S T A T E M E N T

By the Commission:

On July 28, 1936, the Commission issued an order revoking Permit No. A-667, pursuant to a show cause order, and after hearing wherein it was disclosed that the respondent had failed to keep on file a complete list of his customers and to furnish a description of his equipment.

It now appears from the record in this case that the respondent, Miles Bateman, had sent in his list of customers immediately prior to the hearing on the show cause order and that at this time a description of equipment is on file.

After careful consideration of the record, the respondent having now complied with all rules and regulations of the Commission, the Commission is of the opinion and finds that the order revoking said permit should be set aside and permit No. A-667 reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 8145 issued under date of July 28, 1936 be, and the same is hereby revoked and permit No. A-667, be and the same is hereby reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of August, 1936.

Edward B. Danks
McDanks

Walter L. Danks
Commissioners.

2-813

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL *72*

IN THE MATTER OF THE APPLICATION OF)
MINES TRANSIT COMPANY FOR AN EXTEN-)
SION OF PRIVATE PERMIT NO. A-813.)

APPLICATION NO. 3241-PP-A-B.

72
UP

August 24, 1936.

Appearances: Walter Utzinger, Monte Vista, Colorado, and
George Shallinger, Silverton, Colorado, for
Applicant;
Claude Deering, Silverton, Colorado, pro se.

S T A T E M E N T

By the Commission:

Through transfer from George T. Black, Mines Transit Company, applicant in the instant case, is now the owner of Permit A-813, authorizing an operation between Alamosa, La Jara and Monte Vista and the Summitville mining district, via various county highways, including intermediate points.

In the instant case, they seek authority to transport ore and mining and mill supplies from point to point within a radius of 20 miles of Silverton, Colorado, as well as between the Summitville and Platora mining districts and Alamosa, La Jara, Conejos, Del Norte and South Fork, Colorado.

On behalf of applicants, the evidence disclosed that they own eight trucks running from $1\frac{1}{2}$ -ton to 3-ton rated capacity. They started operations in the Silverton area, but were stopped for lack of authority, with the result that they filed the instant application. After being stopped for lack of authority, their trucks were leased to one of the mining companies at Silverton and said company has been operating same in the transportation of their ore to the Shenandoah-Dives mill near Silverton.

The only evidence on behalf of protestant disclosed that he is operating as a private carrier in the Silverton territory. The proposed operation of applicant would undoubtedly interfere with and impair the service of said protestant, but under the law the Commission can only

consider the question of impairment of service of a common carrier in cases of this kind.

It appears that the question of rates was largely instrumental in bringing applicant into the Silverton area. It does not appear that any common carrier is now authorized to serve said district in the transportation of ore and mine and mill supplies outside of the Rio Grande Motor Way, which operates a line haul from Grand Junction to Durango via Silverton.

After a careful consideration of the record, and in view of the fact that no common carrier service would be impaired by the granting of the extension sought, the Commission is of the opinion, and so finds, that the instant application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Mines Transit Company, a corporation, operating under Permit A-813, be, and it is hereby authorized to extend the scope of its operations under said permit to include the right to transport ^{ORE} ~~ore~~, concentrates, and mining and mill supplies, from point to point within a radius of 20 miles of Silverton, Colorado, as well as from and to Summitville and Platora mining districts to and from Alamosa, La Jara, Monte Vista, Del Norte, Conejos and South Fork, Colorado.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danko

W. A. Robinson

Commissioners.

Dated at Denver, Colorado
this 24th day of August, 1936.

358

(Decision No. 8297)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
M. F. MOORE, DOING BUSINESS AS M. F.)
MOORE TRUCK LINE, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO J. S. COLEMAN.)

APPLICATION NO. 1315-A.
~~APPLICATION NO. 1898-A.~~

August 24, 1936.

Appearances: Mr. M. F. Moore, Mancos, Colorado,
pro se and for J. S. Coleman, of
Cortez, Colorado.

S T A T E M E N T

By the Commission:

M. F. Moore, doing business as M. F. Moore Truck Line, is now the owner of a certain certificate of public convenience and necessity, heretofore issued in Application No. 1315 and thereafter extended in Application No. 1898. Authority is sought in the instant case to transfer said certificate to J. S. Coleman of Cortez, Colorado, who desires to operate the same under the title and name of "J. S. Coleman Truck Line".

The evidence disclosed that transferee is a reliable operator and his financial standing was established to the satisfaction of the Commission. It does not appear that any unpaid obligations exist against the present operation.

No protests were filed in opposition to the proposed transfer.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That M. F. Moore, doing business as M. F. Moore Truck Line, be, and he is authorized to transfer and convey to J. S. Coleman of Cortez, Colorado, that certain certificate of public convenience and necessity heretofore issued to M. F. Moore in Application No. 1315 and including the extension granted in Application No. 1898.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Danks

McDanks

Walter E. Danks

Dated at Denver, Colorado
this 24th day of August, 1936.

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL)
INVESTIGATION OF THE FREIGHT)
RATES, AND CLASSIFICATION OF)
FREIGHT, OF ALL COMMON AND)
PRIVATE MOTOR VEHICLE CARRI-)
ERS.)

CASE NO. 1585.

August 20, 1936.

Appearances:

George Swerer, Esq., Denver, Colorado, for The Motor Truck
Common Carriers Association; The McKie Transfer Company;
Larson Transportation Company; Northeastern Motor Freight,
Inc.; Consolidated Fast Freight, Inc.; Pueblo-San Luis
Valley Transportation Co., Inc.; Southwestern Transporta-
tion Company, and other carriers.

Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck
Common Carriers Association and member carriers; The
Colorado Transfer and Warehousemen's Association, and
for Colman Truck Lines.

T. A. White, Esq., and Mr. W. M. Carey, Denver, Colorado,
for The Rio Grande Motor Way, Inc.

D. Edgar Wilson, Esq., and J. G. Hodges, Esq., Denver,
Colorado, for Rocky Mountain Motors, Inc.

Mr. Edward Stein, Mr. F. C. Rockne, and Mr. F. O. Reed,
Denver, Colorado, for Railway Express Agency, Inc.

E. L. Brock, Esq., Denver, Colorado, for Denver and Salt
Lake Railway Company.

J. Q. Dier, Esq., Denver, Colorado, for Colorado &
Southern Railway Co., and Chicago, Burlington & Quincy
Railroad Co.

P. H. Coon, St. Louis, Missouri, for Missouri Pacific
Railway Co.

Mr. A. J. Tait, Pueblo, Colorado, for The Nuckolls Packing
Company.

Mr. L. A. Griffith, Central City, Colorado, for certain
private motor carriers.

Arthur Aldrich, Esq., and Mr. G. H. Curnow, Idaho Springs,
Colorado, for Curnow Livery and Transfer.

Richard E. Conour, Esq., and Mr. T. S. Wood, Rate Expert,
Expert, Denver, Colorado, for The Public Utilities
Commission.

Mr. A. J. Fregeau, Denver, Colorado, for Weicker Trans-
portation Company, and Weicker Transfer & Storage Co.

Mr. W. G. Lyons, Pueblo, Colorado, for Traffic Bureau,
Chamber of Commerce, and the Manufacturers and Dis-
tributors Association, Pueblo, Colorado.

Marion F. Jones, Esq., Longmont, Colorado, for The Colorado
Trucking Association, C. C. Cox, Perry Truck Line, C. H.
Capron and Luie Ammerman.

T. S. Harp, Meeker, Colorado, for Harp Brothers.

Bert Hall, Parker, Colorado, for Hall Truck Line.

V. G. Garnett, Denver, Colorado, for The Colorado Rapid Transit Company.
 Mr. Harry Dickinson, Denver, Colorado, for Denver Chamber of Commerce.
 Worth Allen, Esq., Denver, Colorado, for Bennie Goldstein, J. D. Perry, A. L. Bethke, Northern Colorado Dairy Company.
 Winston S. Howard, Esq., Denver, Colorado, for various carriers of livestock.
 Winbourn McDonald, Denver, Colorado, for Carlson-Frink Ice Cream Company, and Frink Creamery Company.
 R. W. Lentz, Denver, Colorado, for Swift and Company.
 A. J. Baumann, Denver, Colorado, for Armour and Company.
 W. D. Harding, Denver, Colorado, for Cudahy and Company.
 M. B. Nichols, Fort Collins, Colorado, for Extension Service, Colorado State College.
 W. M. Rodgers and W. C. Moore, Denver, Colorado, for various milk shippers.
 E. B. Peterson, Colorado Springs, Colorado, for Woodward Truck Line.
 Robert S. Palmer, Esq., Denver, Colorado, for Colorado Mining Association.
 J. H. Harriss, Manzanola, Colorado, for Harriss Transfer Co.
 R. C. Fyfe, Chicago, Illinois, for the Western Classification Committee.
 George T. Kearns, Jr., and R. G. Chaney, Denver, Colorado, for Hercules Powder Company and Chaney Explosives Co.
 Albert L. Vogl, Esq., Denver, Colorado, for Northern Colorado Coals, Inc.
 E. W. Martindell, Denver, Colorado, for Ideal Cement Company.
 J. D. Welborn, Brighton, Colorado, for Kuner-Empson Company.
 O. P. Siddons, Colorado Springs, Colorado, for Holly Sugar Corporation.

S T A T E M E N T

By the Commission:

In our original Decision No. 7118 we prescribed rates, charges, classification and exceptions thereto to be charged and collected on and after April 1, 1936, by all motor vehicle common carriers operating in Colorado in intrastate commerce and all private carriers by motor vehicle competing with any such motor vehicle common carrier or carriers.

As stated in our Decision No. 7751 of June 26, 1936, "This is the first attempt to establish some order out of the chaotic conditions which have heretofore prevailed in the transportation industry; neither the Commission nor the carriers who took part in

the case could be expected to anticipate every condition which was later found to exist and make provision for it."

As a result, we have at different times, due to the necessity of prompt action, authorized departure from our original order.

The Rio Grande Motor Way, Inc., has requested that a commodity rate be prescribed on flour and mill products in minimum shipments of 10,000 pounds, from Montrose to Somerset and intermediate points of 30 cents per 100 pounds; also a rate of 30 cents per 100 pounds on ice, minimum weight 20,000 pounds, from Alamosa to Wagon Wheel Gap.

The Motor Truck Common Carriers Association and The Colorado Trucking Association have requested that a rate of 85 cents per 100 pounds be prescribed on Deciduous Fruit, green, viz: Apples, Apricots, Berries, Cherries, Currants, Grapes, Nectarines, Peaches, Pears, Plums, Pomegranates, Prunes and Quinces, less than truckload, from Antlers, Austin, Bowie, DeBeque, Delta, Fruita, Glenwood Springs, Grand Valley, Hotchkiss, Loma, Lacy, Mack, Montrose, New Castle, Olathe, Palisade, Paonia, Ridgway, Rifle, Silt, Whitewater and intermediate points to Blende, Canon City, Colorado City, Colorado Springs, Denver, Florence, Jansen, Leadville, Manitou Springs, Minnequa, Pueblo, Trinidad and Walsenburg, and a rate of 68 cents per 100 pounds on Apricots, Cherries and Peaches, truckload, minimum weight 20,000 pounds and Pears, truckload, minimum weight 24,000 pounds, from the same points of origin to Colorado Springs, Denver, Pueblo, Trinidad and Walsenburg, both rates to expire with April 30, 1937.

The Motor Truck Common Carriers Association, also, has requested the prescription of a rate of five and one-half ($5\frac{1}{2}$) cents per 100 pounds on reinforced concrete pipe, average length $12\frac{1}{2}$ feet; diameter 48 inches inside and 55 inches outside, from the Lock-Joint Pipe Factory, 8th and Tejon Streets, Denver, Colorado, to the Water Company's Filtering

Plant, West 20th Avenue and Howell Street, Edgewater, Colorado, continuing to the Ralston Creek Dam.

After full consideration of all the facts, and the record as a whole, the Commission is of the opinion, and so finds, that rates of 30 cents per 100 pounds on flour and mill products, minimum weight 10,000 pounds, from Montrose, Colorado, to Somerset, Colorado, and intermediate points; 30 cents per 100 pounds on ice, minimum weight, 20,000 pounds, from Alamosa, Colorado, to Wagon Wheel Gap, Colorado; 85 cents per 100 pounds on Deciduous Fruit, green, viz: Apples, Apricots, Berries, Cherries, Currants, Grapes, Nectarines, Peaches, Pears, Plums, Pomegranates, Prunes and Quinces, less than carload, from Antlers, Austin, Bowie, DeBeque, Delta, Fruita, Glenwood Springs, Grand Valley, Hotchkiss, Loma, Lacy, Mack, Montrose, New Castle, Olathe, Palisade, Paonia, Ridgway, Rifle, Silt, Whitewater and intermediate points to Blende, Canon City, Colorado City, Colorado Springs, Denver, Florence, Jansen, Leadville, Manitou Springs, Minnequa, Pueblo, Trinidad and Walsenburg; 68 cents per 100 pounds on Apricots, Cherries and Peaches, minimum weight 20,000 pounds, and Pears, minimum weight, 24,000 pounds from the same points of origin named herein in connection with the deciduous fruit rate, to Colorado Springs, Denver, Pueblo, Trinidad, and Walsenburg; 5½ cents per 100 pounds on reinforced concrete pipe, average length 12½ feet, diameter, inside 48 inches, outside 55 inches, from the Lock-Joint Pipe Factory, West 8th Avenue and Tejon Street, Denver, Colorado, to the Water Company Filtering Plant, West 20th Avenue and Howell Street, Edgewater, Colorado, continuing to the Ralston Creek Dam, are and for the future will be just, fair, reasonable and sufficient maximum and minimum rates for the transportation of said commodities, by all motor vehicle common carriers operating between said points, and minimum rates to be

charged by all private carriers by motor vehicle when competing with any such motor vehicle common carriers between said points and rendering substantially the same or similar service; except, that the rates on fruits shall expire as of April 30, 1937, and the rate on reinforced concrete pipe shall expire on completion of this particular movement.

We further find that the rates of 30 cents per 100 pounds on ice, and flour and mill products, and 85 and 68 cents per 100 pounds on fruits, shall become effective nunc pro tunc as of July 6, 1936, July 13, 1936 and July 23, 1936, respectively, upon which dates they became effective under special permission of the Commission.

O R D E R

It Appearing, That on February 5, 1936, May 21, 1936, June 26, 1936, July 8, 1936, and July 17, 1936, the Commission made and filed in this proceeding statements of its findings of fact and conclusion thereon; and that on said dates the Commission entered its orders to give effect to said conclusions, and that now, upon further consideration of the record herein and the petitions since filed in this proceeding, the Commission has, on the date hereof, made and filed a statement on reconsideration, containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, May 21, 1936, June 26, 1936, July 8, 1936, and July 17, 1936, are hereby referred to and made parts hereof:

IT IS ORDERED, That the orders heretofore entered in this proceeding on February 5, 1936, May 21, 1936, June 26, 1936, July 8, 1936, and July 17, 1936, as amended, be, and they are hereby, amended, or modified insofar as shall be necessary to give effect to the amended or modified findings made in the aforesaid statement on further consideration herein.

IT IS FURTHER ORDERED, That this order shall become effective on or before August 27, 1936, and that the rates prescribed or approved in the aforesaid statement which have not already been published, shall be published upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act.

IT IS FURTHER ORDERED, That this order shall continue in force and effect until the further order of the Commission, and to that end jurisdiction is retained to make such further and additional orders as may be necessary and proper.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than twenty days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward Erickson

W. L. Danks

Commissioners

Commissioner Erickson absent.

Dated at Denver, Colorado,
this 20th day of August, 1936.

EXCEPTIONS TO RATE ORDER.

	FROM	TO	RATE IN CENTS PER 100 POUNDS.
Flour and Mill Products	:Montrose	: Somerset and inter-	
Minimum weight 10,000 pounds :	:	: mediate points :	30
Special Permission #9886 7-10-36, Effective 7-13-36.			
Ice,	:Alamosa	: Wagon Wheel Gap :	
Minimum weight 20,000 pounds :	:	:	30
Special Permission #9872 7-1-36, Effective 7-6-36.			
Deciduous Fruit, green, viz.	:Antlers,	: Blende, Canon City, :	
Apples, Apricots, Berries,	:Austin	: Colo.City, Colo.Sprgs:	
Cherries, Currants, Grapes,	:Bowie	: Denver, Florence, :	
Nectarines, Peaches, Pears,	:DeBeque	: Jansen, Leadville, :	85
Plums, Pomegranates, Prunes,	:Delta	: Manitou Springs, :	
and Quinces. L.T.L.	:Fruita	: Minnequa, Pueblo, :	
	:Glenwood	: Trinidad, Walsen-	
	: Springs	: burg.	
Apricots, Cherries and	:Grand	: Colorado Springs :	
Peaches, truckloads, minimum	: Valley	: Denver	
weight 20,000 pounds.	:Hotchkiss:	: Pueblo	68
Pears, truckloads, minimum	:Loma	: Trinidad	
weight, 24,000 pounds.	:Lacy	: Walsenburg	
	:Mack	:	
	:Montrose :	:	
	:Newcastle:	:	
	:Olathe :	:	
	:Palisade :	:	
	:Paonia :	:	
	:Ridgway :	:	
	:Rifle :	:	
	:Silt :	:	
	:Whitewat-	:	
	: er :	:	
	:and inter-	:	
	:mediate :	:	
	:points. :	:	

Special Permission #9899 7-20-36. To expire with 4-30-37. Made effective July 23, 1936.

CONTROL
RD

(Decision No. 8301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
C. W. GIBSON FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3355-PP

August 24, 1936

Appearances: C. W. Gibson, Pagosa Springs, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Association;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association
and Frank Jones.

S T A T E M E N T

By the Commission:

Applicant C. W. Gibson herein seeks a Class B permit which, as limited by the evidence offered at the hearing, would authorize him to operate as an intrastate private carrier by motor vehicle for hire, for the transportation of (a) coal from the coal mines within a radius of nine miles of Pagosa Springs to Pagosa Springs and points within a radius of 10 miles thereof; (b) farm supplies from Pagosa Springs to farms within a radius of 20 miles thereof; (c) farm products and livestock from farms within a radius of 20 miles of Pagosa Springs to Pagosa Springs, South Fork, Alamosa and Denver; (d) used household goods and furniture, farm machinery and equipment from point to point, (excluding town to town service) within a radius of 20 miles of Pagosa Springs.

Applicant owns a $1\frac{1}{2}$ -ton V-8 Ford car and formerly operated a freight service under a certificate of public convenience and necessity which he sold to Tom Darnall, who recently sold same certificate to Rio Grande Motor Way, Inc. He stated that he does not intend to compete with line haul services and will not engage in the transportation of any commodities between towns in competition

with Rio Grande Motor Way, Inc.

The application, except as to the transportation of commodities to South Fork, Alamosa and Denver, was not opposed by protestants. Service to these points was not sought in the application and no notice that applicant would request such authority was given to protestants or others who might desire to oppose the granting of such authority. Under the circumstances, authority for such service cannot be granted under the instant application.

After a careful consideration of the record, the Commission is of the opinion and finds that a Class B private permit should issue to applicant limited to the service hereinafter set forth.

O R D E R

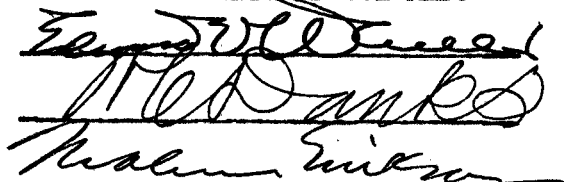
IT IS THEREFORE ORDERED, That C. W. Gibson should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of (a) coal from coal mines within a radius of 9 miles of Pagosa Springs to Pagosa Springs and points within a radius of 10 miles thereof; (b) farm supplies from Pagosa Springs to farms within a radius of 20 miles thereof; (c) farm products and live stock from farms within a radius of 20 miles of Pagosa Springs to Pagosa Springs; and (d) used household goods and furniture, farm machinery and equipment from point to point (excluding town to town service) within a radius of 20 miles of Pagosa Springs.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

Dated at Denver, Colorado,
this 24th day of August, 1936

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

~~CONTROL~~
75

B-

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
FRED MAESTAS FOR A CLASS B PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 3354-PP

August 24, 1936

Appearances: Mr. Fred Maestas, Mesita, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers
Association and E. B. Faus;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
C. D. Young, Denver, Colorado, for
The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant Fred Maestas herein seeks a Class B permit which, as limited by the testimony offered at the hearing, would authorize him to operate as an intrastate private carrier by motor vehicle, for hire, for the transportation of live stock, grain and potatoes from points within a radius of 30 miles of Mesita, Colorado, to points in the San Luis Valley and to Pueblo, with back haul of coal only from mines in the Walsenburg coal fields to points within a radius of 30 miles of Mesita. He does not propose to operate a town-to-town service or to compete with established line haul motor vehicle common carrier services. There was no objection to the issuance of the permit as limited.

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

After a careful consideration of the record, the Commission is of the opinion, and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That Fred Maestas should be, and he hereby

is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of live stock, grain and potatoes from points within a radius of 30 miles of Mesita, Colorado, to points in the San Luis Valley and to Pueblo, with back haul of coal only from mines in the Walsenburg coal fields to points within a radius of 30 miles of Mesita.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danks
Wm. Erikson
Commissioners

Dated at Denver, Colorado,
This 24th day of August, 1936.

R

CONTROL
B-

(Decision No. 8309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
C. G. SONNENBERG, STERLING, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3408-PP

August 24, 1936

Appearances: C. G. Sonnenberg, Route 1, Sterling, Colorado,
pro se;
Murray Owenby, 200 Sugar Building, Denver,
Colorado, for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport farm products from farms within a radius of 10 miles of the Harding school house, located 20 miles southeast of Sterling to markets at Fleming and Sterling, with a back haul of coal from Sterling to customers residing in the above described area around Harding school.

The applicant is a farmer living near the Harding school and possesses a 1930 Chevrolet truck. He has of late been given temporary authority to transport grain from threshing machines operating in the Harding school area and desires to be in a position to render a farm service as above disclosed.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that as limited by the testimony, authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That C. G. Sonnenberg of Sterling, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products from farms within a 10-mile radius of the Harding school house (situated 20 miles southeast of Sterling) to markets at Sterling and Fleming, Colorado, with a back

haul of coal from Sterling to customers residing in the Harding school area.
This order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Drees

W. C. Danks

W. C. Drees
Commissioners

Dated at Denver, Colorado,
this 24th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
C. RENZELMAN, JR. OF LAIRD, COLORADO)
FOR A CLASS B PERMIT TO OPERATE AS A)
PRIVATE CARRIER FOR HIRE.)

APPLICATION NO. 3400-PP

August 24, 1936

Appearances: C. Renzelman, Jr., Laird, Colorado, pro se;

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport farm products from farms to markets within a 25-mile radius of Laird, Colorado, with a back haul of coal from Wray to users living within said area; and for the transportation of livestock from farms in said area to markets at Wray and Holyoke.

The applicant is a farmer living near Wray and possesses a 1936 Chevrolet truck. He has of late had temporary authority to move grain from threshing machines and desires to be in a position to render farm service.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that as limited by the testimony the authority should be granted.

O R D E R


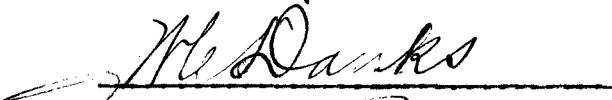

IT IS THEREFORE ORDERED, That C. Renzelman, Jr., of Laird, Colorado, be, and he hereby is, granted a Class B permit to operate as a private carrier by motor vehicle, for hire, for the transportation of farm products from farms in Colorado, within a radius of 25 miles of Laird, Colorado to elevators and markets within said area and for the transportation of livestock between farms in said area and sales barns at Wray and Holyoke, all of which service is to be

rendered for customers who are residing in the above described area and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
C. H. CROSS FOR A CLASS B PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3394-PP

August 24, 1936

Appearances: C. H. Cross, P. O. Box 224, Haxtun, Colorado,
pro se.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks a Class B permit for the transportation of farm products from farms within a 15-mile radius of Haxtun, Colorado, to elevators and markets within said area; and cement from the factory near Fort Collins, lime and plaster from the factory at Loveland to lumber yards at Yuma, Colorado, operated by H. C. Hoch and Klein Lumber Company.

The applicant possesses a 1935 International truck and from the record, seems to have written statements from each of the lumber firms at Yuma, Colorado, for his services in the event this permit is granted.

After careful consideration of the testimony and the record, the Commission is of the opinion and finds that the authority as limited by the testimony should be granted.

O R D E R

IT IS THEREFORE ORDERED, That C. H. Cross, P. O. Box 224, Haxtun, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products from farms within a 15-mile radius of Haxtun, Colorado, to elevators and markets in said

area; for the transportation of cement from the cement plant near Fort Collins to and for customers residing in said area; and plaster from the factory near Loveland to Yuma, Colorado for the Klein Lumber Company and H. C. Hoch and Sons, Inc., and this order will be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Brien
W. C. Danko
Wm. H. Hinson
Commissioners

Dated at Denver, Colorado,
this 24th day of August, 1936.

CONTROL
20

(Decision No. 8313)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF JOHN J. SCHAMBERGER OF FLEMING,)
COLORADO, FOR A CLASS B PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3403-PP

August 24, 1936

Appearances: J. J. Schamberger, Fleming, Colorado,
pro se;
Murray Owenby, Denver, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport farm products from farms within a 20-mile radius of Fleming, Colorado, to elevators and railroad loading points therein; livestock between farms in the above described Fleming area and sales yards at Sterling and Holyoke and market at Denver; and farm furniture from farm to farm within the following described area.

It appeared from the testimony that there was no authorized common carrier residing at Fleming who had authority to transport livestock and that it was quite an inconvenience to communicate with common carriers residing outside of Fleming who did have authority to serve the area.

There being no objection, and after careful consideration, the Commission finds that the authority sought as limited by the testimony should be granted.

O R D E R

IT IS THEREFORE ORDERED, That John J. Schamberger of Fleming, Colorado, be, and he hereby is granted a Class B permit to operate as a private

carrier by motor vehicle for the transportation of farm products from farms within a radius of 20 miles of Fleming, Colorado to elevators and loading points in said area; for the transportation of livestock between farms in said area and sales barns at Sterling and Holyoke, and to ^{market} at Denver; and for the transportation of farm furniture from farm to farm within the above described Fleming area, all of which service shall be for customers residing within the Fleming territory above described and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker

W. L. Danks

Walter L. Ginn

Commissioners

Dated at Denver, Colorado,
this 24th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF
THE EAGLE LINES, INC.; J. S. McNEAL,
TRUSTEE IN BANKRUPTCY FOR THE EAGLE
LINES, INC.; LEE JAMES; AND W. T.
HEDRICK AND L. D. HARRIS, DOING
BUSINESS UNDER THE NAME AND STYLE OF
HEDRICK EXPRESS LINES, UNDER PRIVATE
PERMIT NO. A-834.

CASE NO. 1824

August 24, 1936

S T A T E M E N T

By the Commission:

On July 10, 1936, the Commission entered an order requiring the above named respondents to show cause why Private Permit No. A-834 should not be revoked or suspended for various violations of the law and rules and regulations of the Commission, as set forth in the order. The matter came on for hearing on August 5, 1936, at which hearing none of the respondents appeared.

The record shows that The Eagle Lines, Inc., on September 25, 1934, was issued Private Permit No. A-834 authorizing it to engage in the business of transporting freight as a private carrier by motor vehicle over two regular routes, Denver to the Colorado-New Mexico state line, via U. S. Highway No. 85, and Pueblo to the Colorado-Kansas state line, via U. S. Highway No. 50. On October 31, 1934, said permit was extended to authorize operation between Pueblo and Colorado-New Mexico state line and intermediate points, via U. S. Highway No. 85, and from Pueblo to the Colorado-New Mexico state line, via U. S. Highways Nos. 85 and 160, and from Pagosa Springs to the Colorado-New Mexico state line, via Colo. State Highway No. 17, in interstate commerce only.

On or about March 9, 1936, The Eagle Lines, Inc. was adjudged a bankrupt by the District Court of the United States for the District of New Mexico, and on March 21, 1936, the respondent J. S. McNeal was appointed

Trustee in Bankruptcy for said Eagle Lines, Inc. Thereafter, on March 30, 1936, all of the assets of said Eagle Lines, Inc. were sold at public sale by said Trustee in Bankruptcy to the respondent Lee James, and on March 31, 1936, Lee James assigned and transferred all of his rights in and to said Private Permit No. A-834, together with other property of Eagle Lines, to respondents W. T. Hedrick and L. D. Harris, doing business under the firm name and style of Hedrick Express Lines, who thereupon filed their application with the Commission for authority to transfer Private Permit No. A-834 to Hedrick Express Lines.

The evidence shows that the public liability and property damage insurance required by law and rules and regulations of the Commission to be carried by respondents before operating under said permit was cancelled on April 4, 1936, and that since said date, respondents have failed and neglected to file or keep on file with the Commission proper insurance or a certificate thereof as required by Rules 19 and 20 of the Rules and Regulations of the Commission governing private carriers by motor vehicle, effective May 1, 1935, and Section 16 of Chapter 120, Session Laws of Colorado, 1931, as amended.

No monthly reports as required by law and Rules and Regulations of the Commission governing private carriers by motor vehicle have been filed for the months of April, May or June, 1936. Monthly reports filed with the Commission for other months and received in evidence in this proceeding disclose that the respondents have consistently and regularly transported freight in intrastate commerce between Denver and Castle Rock, Colorado Springs, Pueblo, Walsenburg, Aguilar and Trinidad, all of which points are intermediate to Denver and the Colorado-New Mexico state line and for the service of which points no authority has ever been obtained by respondents from this Commission and no authority is included in Private Permit No. A-834 authorizing service to points intermediate and Denver and the Colorado-New Mexico state line in intrastate commerce. This permit authorized interstate service only and contained no authority to render service which the record shows was performed.

The evidence received at the hearing also shows that the respondents, Hedrick and Harris, permitted the Perry Truck Line to operate under said permit

and that on or about July 3, one of the trucks of said Perry Truck Line was stopped at a point intermediate Pueblo to Durango and that the driver claimed to be operating under said Permit No. A-834. No authority had been granted for any transfer and the trucks of said Perry Truck Line had no authority to operate under said permit.

In view of the aforesaid violations, it does not seem necessary to determine whether or not respondents have operated as a common carrier by motor vehicle under said permit without proper authority, and the Commission is of the opinion, and so finds, that said permit No. A-834 should be revoked and cancelled for the aforesaid violations of law and rules and regulations of the Commission.

O R D E R

THEREFORE, IT IS ORDERED BY THE COMMISSION, That Private Permit No. A-834 be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dwyer

W. D. Danks

Wm. E. Hinson
Commissioners

Dated at Denver, Colorado,
this 24th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

PUEBLO-SAN LUIS VALLEY TRANSPORTATION)
COMPANY, INC., A CORPORATION, RIO)
GRANDE MOTOR WAY, INC., A CORPORATION,)
SOUTHWESTERN TRANSPORTATION COMPANY,)
INC., A CORPORATION, WEICKER TRANSPORTA-)
TION COMPANY, INC., A CORPORATION, AND)
THE MOTOR TRUCK COMMON CARRIERS)
ASSOCIATION, INC., A CORPORATION,)

CASE NO. 1823

Complainants,)

vs.)

GLENN C. DAVIS,)

Defendant.)

August 24, 1936.

Appearances: Glenn C. Davis, Saguache, Colorado,
pro se;
E. B. Faus, Monte Vista, Colorado,
for Pueblo-San Luis Valley Transportation
Company;
Stanley Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company, Inc.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Chas. D. Young, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On June 30, 1936, complainants filed their formal complaint in the above styled matter against respondent, alleging that he had hauled certain freight on or about the 17th day of April, 1936, and subsequent days, from Denver to Monte Vista for the Monte Vista Hardware Company; that he was not authorized to make said hauls because the Monte Vista Hardware Company was not listed as one of his customers and because Monte Vista was not included among

the points he was authorized to serve under his permit.

It was further alleged that the rate charged by respondent for the said transportation service was less than the rate prescribed by the Commission in Revised General Order No. 42, issued on the 25th day of April, 1935, effective May 1, 1935, and contrary to Section 10 of Chapter 120 of the Session Laws of 1931, as amended, and our order in Case No. 1585 prescribing rates for the transportation of freight by motor vehicle carriers.

Thereafter, to-wit, on July 8, 1936, the Commission issued its order requiring respondent to answer or satisfy the complaint within ten days from the date thereof.

The respondent answered, admitting that on or about the 25th of March, 1936, and again on April 8 and April 17, he had hauled freight from Denver for the Monte Vista Hardware Company, but by way of excuse averred that it was an emergency haul and that he thought he had the right to haul to Monte Vista under his permit. Further, that he did not intentionally violate the law and will not knowingly do so in the future.

The matter was set for hearing at Monte Vista on July 30, 1936, at 9:30 o'clock A. M. and heard. The evidence there introduced in substance is the same as the matter set up in the complaint and answer.

The records of the Commission show that Mr. Davis was not authorized to serve Monte Vista and that the Monte Vista Hardware Company was not listed as a customer of Mr. Davis at the time of the hauls aforesaid and therefore could not be served by him. However, the Commission is impressed with the frankness and good faith of Mr. Davis in the matters complained of herein and does not believe that ~~he~~ willfully violated the law. We are sure that he will not do so again, and under the circumstances we have concluded not to revoke respondent's permit and have decided to assess a penalty for the admitted violation of the rules and regulations of the Commission in the manner aforesaid, under the provisions of Section 61 of the Public Utilities Act, and the Commission is of the opinion, and so finds, that respondent should be assessed a penalty of \$25.00 for the aforesaid violation of the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, that respondent Glenn C. Davis should be, and he hereby is assessed and ordered and required to pay a penalty of \$25.00 for the aforesaid violations of the rules and regulations of the Commission within twenty days from the date of this order, and the Commission does hereby retain jurisdiction herein for such further proceedings as it may deem advisable.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward O. Deady

W. D. Danks

Walter S. Wilson
Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RED BALL TRANSFER & STORAGE CO.)

CASE NO. 1734

August 24, 1936

Appearandes: Mr. E. E. Pollock, Denver, Colorado, for
the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against the Red Ball Transfer and Storage Company, holder of Permit No. A-654, on account of the violation of rules and regulations of the Commission for its failure to keep on file the necessary insurance, to make monthly reports and to pay highway compensation road taxes.

The record now discloses that the Respondent has failed to provide the necessary insurance covering its operation, has made no monthly report since December, 1934, to date.

Communications have been addressed to the Respondent and while he states that he intends to comply with the rules and regulations of the Commission, to this date the above violations still exist.

After careful consideration the Commission is of the opinion and finds that the Red Ball Transfer and Storage Company, holder of Permit No. A-654, having failed to provide the necessary insurance and make monthly reports as required by rules and regulations of the Commission, Permit No. A-654 should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-654 held by the Red Ball Transfer and Storage Company, be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Doolittle

W. L. Danks

Walter E. Eason
Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THAD PATRICK OF LOVELAND, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3417-PP

August 24, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn;
Mr. A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

In the above numbered application, the applicant, Thad Patrick of Loveland, Colorado seeks a permit granting him authority to transport lumber to Fort Collins, ties to Arkin Spur and posts to Drake from the mill located some 32 miles up Buckhorn Creek for Ott Bachman of Masonville, Colorado, via State Highway No. 16, and the Buckhorn Creek road.

The applicant is equipped with a 1936 one and one-half ton International truck. There was no objection to the granting of this permit.

After careful consideration of the testimony and the record the Commission is of the opinion and finds that the permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Thad Patrick of Loveland, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of lumber, ties and posts from the mill some 32 miles up Buckhorn Creek in Larimer County to Fort Collins, Drake and Arkin Spur, and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, THAT the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dwyer

W. L. Draks

Maureen E. Nixon

Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

B

O R D E R

IT IS THEREFORE ORDERED, That Ruth B. Dermody should be, and she hereby is, authorized to transfer to H. L. Bryant private permit No. B-1247, said transferee to assume and satisfy all outstanding obligations if any there be against said operation to the extent of the consideration paid therefor.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deery

W. L. Danks

Wm. E. Eickman
Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

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(Decision No. 8031)

(112)
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF K. E. TANIS TRUCK LINE FOR AN)
EXTENSION OF ITS INTERSTATE PRI-)
VATE PERMIT NO. A-883.)

INTERSTATE PRIVATE PERMIT NO. A-883.

July 21, 1936

S T A T E M E N T

By the Commission:

On December 28, 1934, Class A Private Permit No. A-883 for interstate contract hauling "between Colorado-Kansas state line and Pueblo and Denver, Colorado and intermediate points, via U. S. Highways Nos. 50 and 85, interstate only" issued to K. E. Tanis Truck Line. Said permittee now seeks an extension of said permit to include the right to transport general merchandise from and to all points on the Colorado state line to and from all points in the State of Colorado.

After a careful consideration of the record, the Commission is of the opinion and finds that said application for an extension should be granted, said permit hereafter to be known as "Interstate Private Permit No. A-883-I" and to be issued subject to the provisions of the Federal Motor Carrier Act of 1935.

O R D E R

IT IS THEREFORE ORDERED, That Interstate Private Permit No. A-883, heretofore issued to K. E. Tanis Truck Line, should be, and hereby is, extended to include the right to transport general merchandise as an interstate private carrier operation by motor vehicle for hire from and to the Colorado state line to and from all points in the State of Colorado, over Federal, State and County highways, such permit to issue subject to the provisions of the Federal Motor Carrier Act of 1935, and hereafter to be known as "Interstate Private Permit No. A-883-I."

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dineen

McDank

Mac E. E. E.

Commissioners.

Dated at Denver, Colorado,
this 21st day of July, 1936.

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