BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CORA E. JAMES, ADMINISTRATRIX of THE ESTATE OF MORGAN W. JAMES, DOING BUSINESS AS MOUNTAIN STATES AUTO LIVERY, 322 NORTH FOOT STREET, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER THE RIGHT TO OPERATE ONE CAR, ONLY, TO RICHARD HAYES, COLORADO SPRINGS, COLORADO.	)	APPLICATIONS NOS. 849-AA 584-AA

Sept. 11, 1941.

Appearances: James F. Quine, Jr., Esq., Colorado Springs, Colorado, for the applicants;
H. T. McGarry, Esq., Colorado Springs, Colorado, for Antlers Livery and Taxicab Company;
John Nolon, Jr., Esq., Manitou Springs, Colorado, for Bank of Manitou and Conour and Conour.

S T A T E M E N T

By the Commission:

On May 28, 1938, by Decision No. 1790, as amended by Decision No. 15760,of date August 2, 1940, the Mountain States Auto Livery was authorized to transfer its certificate of public convenience and necessity, authorizing the transportation of passengers in two cars in sightseeing service from Colorado Springs to the various scenic attractions in the Pikes Peak region to M. W. James, doing business as Mountain States Auto Livery.

Said James having died intestate in El Paso County, said Cora E. James was appointed administratrix of his estate. She, as administratrix, now seeks authority to transfer the right to operate one automobile in said sightseeing service to Richard Hayes, the consideration for the transfer being the sum of $125.00.

At the hearing, it appeared that the Probate Court of El Paso

County has directed the transfer of said operating right to said Hayes, and that said applicants seek the authority of the Commission to consummate the sale in accordance with the order of said Probate Court.

Protestants did not object to the transfer. However, they asked that the claim of the Antlers Livery and Taxicab Company, in the sum of One Hundred Sixty Dollars Seventy Cents ($160.70) for tires, gasoline and other supplies furnished said Morgan W. James for the operation of said automobile service during his lifetime, and notes owing the Bank of Manitou, as part of the original purchase price of said automobiles used by transferor, be made a lien against said purchase money. Transferor objected, contending that sale was being made under direction of the Court, and that purchase price received must be accounted for to said Court, and disbursement made under the direction of the Court.

The operating experience and pecuniary responsibility of transferee were established to the satisfaction of the Commission.

We believe the position of transferor is well taken, and that we cannot direct that said purchase price be applied to the payment of claims against the operation. While desirable, still the matter of application of moneys belonging to the estate must be left to the direction of the Probate Court.

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

O R D E R

IT IS ORDERED:

That Cora E. James, as Administratrix of the Estate of Morgan W. James, is hereby authorized to transfer the right to operate one automobile in sightseeing service from Colorado Springs to the various scenic attractions in the Pikes Peak region, to Richard Hays.

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.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1941.

BH

(Decision No. 17623)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF G. E. UNDERHILL, GENOA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5704-PP

Sept. 11, 1941.

Appearances: No appearance for applicant.
T. A. Stockton, Jr., and John Love, Esqs., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

The above-styled application, which was filed August 8, 1941, was set for hearing before the Commission at 330 State Office Building, Denver, on September 2, 1941, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place designated for hearing. Thereupon, protestants moved that said application be dismissed for lack of prosecution, and the matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That the instant application be, and is hereby, dismissed, effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1941.

BH

(Decision No. 17624)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK UHER, GENOA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5703-PP

Sept. 11, 1941.

Appearances: Frank Uher, Genoa, Colorado, pro se;
T. A. Stockton, Jr., and John Love, Esqs., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain and beans between points within the area extending six miles east, ten miles west, thirty miles north and ten miles south of Genoa, and from points in said area to elevators and markets within a radius of fifty miles of Genoa.

At the hearing, it developed that an extraordinarily large grain and bean crop is being harvested in the Genoa area. Much of the grain and bean crop is being stored on farms. Trucking facilities now are and in the future will be inadequate to move said grain and beans to market.

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 ORDERED:

That Frank Uher, of Genoa, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the

transportation of grain and beans between points within the area extending six miles east, ten miles west, thirty miles north, and ten miles south of Genoa, Colorado, and from points within said area to elevators and markets within a 50-mile radius of Genoa.

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

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

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
STEPHENSON PRODUCE COMPANY,) CASE NO. 4839
WRAY, COLORADO, PRIVATE CARRIER)
PERMITS NOS. B-1583 and B-1502.)

Sept. 11, 1941.

Appearances: E. B. Evans, Esq., Denver, Colorado, for the Commission;
Marion F. Jones, Esq., Denver, Colorado, for the Respondent.

S T A T E M E N T

By the Commission:

On March 1, 1941, Decision 16734, the Commission issued its order directed to Stephenson Produce Company to show cause why its private carrier permits numbered B-1583 and B-1502 should not be cancelled on account of its failure to issue proper bills of lading during the period May 1, 1940, to October 1, 1940, and to keep said bills of lading on file, it being further alleged as ground for cancellation that said respondent had hauled for persons not properly listed as customers, had on a number of occasions collected a different compensation for service performed than the rates applicable for such transportation, had transported shipments and commodities he was not authorized to haul under his permits, had failed to file monthly reports to the Commission as required by law, and, in effect, was operating as a common carrier by motor vehicle without authority, all in violation of Rules 21, 10, 20, 4, and 28, of the Rules and Regulations governing private carriers.

At the hearing, it developed that applicant failed to prepare bills of lading and had failed to keep said bills of lading on file as required by the rules. However, from his records, he had prepared bills of lading after he was served with copy of show cause order, and presented them

at the hearing. He stated that he would comply with the rule in future.

It also appeared that he had served a number of customers with whom he did not have contracts which had been approved by the Commission prior to the service being performed; that he had failed to list such customers with the Commission; that he had transported a number of shipments for charges less than those prescribed for line haul movements of said commodities, although the charge should have been 120 per cent of the prescribed line haul rate; that he also failed to file monthly reports as required by our rules and regulations and the statutes, and had handled some commodities he is not authorized to transport under his permit.

Respondent admitted that he had failed to make out proper bills of lading or to keep them on file. He stated that he had been unable to obtain forms, which is not a defense because forms are readily obtained if carrier makes a sincere attempt to get them. He was confident that he had contracts with Haigler, Hanna and McGrath, and was under the impression that they had been forwarded to the Commission. He stated that he would locate his copies and forward them. He formerly had an interstate permit which had been cancelled.

As to one of the charges covering transportation to Longmont for less than the prescribed rates, he stated that Mr. Jones had furnished him with the rate to be charged; that he had attempted to collect the correct rate based on 159 miles. According to our rate department, the rate if based on rail mileage would be on 169 miles; based on the rate order, 180 miles; and if computed on highway distance, 166 miles.

The Commission believes that Mr. Stephenson has intended to comply with our rules and regulations, generally speaking. However, he has not given the attention to preparation of bills, keeping of records and filing reports that he should have given. Our rules and regulations have been in force for a long time. Mr. Stephenson has operated for a number of years. We believe that carriers must strictly comply with our rules and regulations; that until we have that compliance, the trucking industry will not be on a substantial business basis. We believe that our duty requires

us to assess a penalty in this matter.

Accordingly, after a careful consideration of the record, the Commission is of the opinion, and finds, that permits numbered B-1583 and B-1502, and the right of respondent to operate thereunder, should be suspended for a period of sixty days from the effective date of this order, with the proviso that said H. C. Stephenson, if he desires, may pay to the Commission for the use of the State of Colorado the sum of Twenty-five Dollars ($25.00) as a penalty in lieu of said suspension.

O R D E R

IT IS ORDERED:

That said permits numbered B-1583 and B-1502, and the right of respondent to operate thereunder, be, and they are hereby, suspended for a period of sixty (60) days from the effective date of this order.

That in lieu of said suspension, said respondent may, if he so elects, pay the sum of Twenty-five Dollars ($25.00) to the Commission for the use of the State of Colorado, as a penalty herein, in which event said suspension order shall become non-effective without further action by the Commission.

This order shall become effective October 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1941.

BH

(Decision No. 17626)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILBUR ADAMS, DELTA, COLORADO,)
PRIVATE CARRIER PERMIT NO. B-2026.)

CASE NO. 4878
ORDER TO SHOW CAUSE
AND NOTICE OF HEARING

Sept. 11, 1941.

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Carrier Permit No. B-2026, pursuant to Sections 348-370, Chapter 16, 1935 C. S. A.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of said statute and the terms and conditions of said private permit, and the rules and regulations of this Commission governing private carriers by motor vehicle; and that said violations, among other things, consisted of the following, to-wit:

1. That the respondent, on or about the dates hereinafter mentioned, did transport property for hire, for which transportation said respondent charged and received rates and charges which were less than the rates and charges fixed by this Commission, and less than the rates and charges fixed by respondent's tariffs as follows, to-wit:

(a) June 20, 1940, from A. Coors, Golden, Colorado, to Delta Bottling Works, Delta, Colorado, 10685 pounds of beer, 10 drums (1600 pounds) of carbonated gas, and 5 boxes of bottle crowns (250 pounds);

(b) June 29, 1940, from A. Coors, Golden, Colorado, to Delta Bottling Works, Delta, Colorado, 100 cases and 40½ barrels of beer (11720 pounds), and 25 cases of bottle crowns (1250 pounds);

(c) July 19, 1940, 13005 pounds of beer and orange crush from A. Coors, Golden, Colorado, to Delta Bottling Works, Delta, Colorado;

(d) July 25, 1940, 10 drums of carbonated gas (1600 pounds), 52½ barrels of beer (10365 pounds), and 5 cans of caustic soda (50 pounds), from A. Coors, Golden, Colorado, to Delta Bottling Works, Delta, Colorado;

(e) Aug. 6, 1940, 5 drums carbonated gas (600 pounds), 5 cases bottle crowns (300 pounds) and 13560 pounds of beer and orange crush from A. Coors, Golden, Colorado, to Delta Bottling Works, Delta, Colorado;

(f) Aug. 27, 1940, Mart Thorp, Delta, Colorado, to Mart Thorp, Salida, Colorado, 8630 pounds bulk peaches.

(g) Aug. 29, 1940, M. E. Thorp, Delta, Colorado, to Mart E. Thorp, Monte Vista, Colorado, 10500 pounds bulk peaches.

(h) Sept. 3, 1940, Delta Bottling Company, Delta, Colorado, to A. Coors, Golden, Colorado, 7,000 pounds empty gas and beer drums;

(i) Sept. 11, 1940, A. Coors, Golden, Colorado, to Delta Bottling Works, Delta, Colorado, 10 drums carbonated gas, 100 pounds bottle crowns, and beer, 13450 pounds;

(j) Sept. 21, 1940, Delta Bottling Works, Delta, Colorado, to A. Coors, Golden, Colorado, empty beer drums, 4550 pounds;

(k) Sept. 23, 1940, A. Coors, Golden, Colorado, to Delta Bottling Works, Delta, Colorado, beer, 13500 pounds;

(l) Oct. 7, 1940, Delta Bottling Works, Delta, Colorado, to A. Coors, Golden, Colorado, 4825 pounds empty beer drums;

(m) Nov. 14, 1940, Delta Bottling Works, Delta, Colorado, to A. Coors, Golden, Colorado, empty beer drums, 4250 pounds.

2. That the respondent has transported shipments of property not authorized by his said permit, contrary to law and the rules and regulations of this Commission governing private carriers, as follows, to-wit:

(a) Aug. 17, 1940, Forest Service, Delta, Colorado, to Forest Service, Ridgway, Colorado, 6000 pounds of groceries;

(b) Dec. 23, 1940, Red Mountain Mine, Cedaredge, Colorado, to Frost & Trowbridge, Delta, Colorado, 16,000 pounds of coal.

The Commission, therefore, finds that an investigation should be made and a hearing held relative to said violations.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had to determine if said respondent has violated the provisions of law and the rules and regulations of this Commission governing private carriers, and the terms and provisions of respondent's said Permit B-2026.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by verified written answer filed with the Commission within ten (10) days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending or revoking the permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 23rd day of September, 1941, at ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ D. Thomas

Edmund D. Dowds

Milton Griswold

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF O. C. BARTH, WRAY, COLORADO, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 1150 AND PRIVATE CARRIER PERMIT NO. A-512.	CASE NO. 4879 ORDER TO SHOW CAUSE AND NOTICE OF HEARING

Sept. 11, 1941.

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the respondent heretofore became the holder of a certificate of public convenience and necessity No. 1150, and a private carrier permit, No. A-512, pursuant to the provisions of Chapter 16, 1935 C. S. A., as amended.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of said statute and the terms and conditions of his said certificate of public convenience and necessity and his private carrier permit, and the rules and regulations of this Commission; and that said violations, among other things, consist of the following:

1. That the respondent has failed and refused to pay his highway compensation taxes within the time provided by law, and that the Director of Revenue of the State of Colorado has been compelled to issue a distraint warrant and levy upon the trucks and property of the respondent.

2. That the Commission is informed and believes, and upon such information and belief alleges, that the respondent heretofore sold an interest in and to said certificate of public convenience and necessity and said private carrier permit to E. W. Rutz, of Wray, Colorado, and neglected, failed, and refused to obtain from this Commission authority to make such sale and transfer such interest in and to said certificate and said permit to said E. W. Rutz, contrary to the statutes and the rules and regulations of this Commission.

The Commission therefore finds that an investigation should be made and a hearing held by this Commission relative to said violations.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had to determine if said respondent has violated the provisions of law and the rules and regulations of this Commission governing motor vehicle carriers and private carriers for hire by motor vehicle, or the terms and provisions of respondent's said certificate No. 1150 and private permit No. A-512.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by verified written answer filed with the Commission within ten (10) days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending or revoking the certificate of public convenience and necessity and the permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on Tuesday, the 23rd day of September, 1941, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF A. A. BECK, ARVADA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 5617
RE MOTOR VEHICLE OPERATIONS OF A. A. BECK, ARVADA, COLORADO.	)	PRIVATE PERMIT NO. A-616

Sept. 13, 1941.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
Mrs. Orville Jenkins, Westminster, Colorado, for Arvada Transfer;
Harold E. Swena, Golden, Colorado, for Swena Transfer.

S T A T E M E N T

By the Commission:

A. A. Beck, of Arvada, herein seeks a certificate of public convenience and necessity to operate a motor vehicle carrier service for the transportation of milk and cream, with back haul of empty cans, between points within the area described as:

> "Beginning at Broomfield, Colorado, thence south 5 miles on Colorado Highway No. 121, thence east 1 mile to Sheridan Boulevard, thence south along Sheridan Boulevard to West Colfax Avenue, thence west to a point 2 miles due west of Golden, thence north along a line paralleling Colorado Highway No. 121 to a point due west of the point of beginning, thence east to the point of beginning",

and from points in said area to Golden, Colorado, with back haul of empty cans.

In support of his application, Mr. Beck stated that he had been residing in Arvada since 1934; that he now operates under private carrier permit No. A-616; that under said permit he has been serving substantially

the same area that he now seeks to serve, although he is not serving south of Arvada; that no questions have been raised as to his right to serve his customers, now numbering fifteen; that he does not serve between Denver and points in said area and does not now haul milk or cream from Golden to Arvada and does not propose to do so under the certificate if granted; that some milk is moving to Golden from the area by West Truck Line, and also is moving from points in the area to Arvada by means of Arvada Transfer trucks.

A number of witnesses testified that Mr. Beck was furnishing transportation service for the movement of their milk and cream and that service had been furnished under said permit since 1930.

In opposition, Mrs. Jenkins testified that her husband, Orville Jenkins, about one year prior to the hearing, purchased the Arvada Transfer certificate from Schmitt; that they were transporting milk from points in the area applicant seeks to serve to Wheatridge Dairy on 44th Avenue about 1/2-mile west of Wadsworth, and to Iowa Dairy on 44th Avenue about one-fourth mile west of Sheridan Boulevard; that Schmitt had furnished said service for a period of 17 years prior to their purchase of said operating rights; that they have new equipment and are amply able to care for all demands in said territory for the movement of milk to said Wheatridge and Iowa dairies; that said territory includes the area within a radius of nine miles of Arvada.

Mr. Beck, in rebuttal, stated that it was true that Jenkins was now serving Wheatridge and Iowa dairies; that Schmitt had served these dairies for a period of approximately ten years; that he personally had moved milk to the Iowa dairy about 10 or 11 years ago, but quit because the demand since that time had been for movement of milk to Golden; that he also has hauled milk from Wheatridge dairy to Golden, and is under the impression that his customers possibly may want service to other dairies in the area.

On the record, it appears that the demand for movement of milk from points in the area Beck seeks to serve to Denver and to Wheatridge and Iowa dairies, is being well taken care of by Jenkins under Arvada Transfer

certificate. The Jenkins service is adequate. There is no immediate demand on the part of Beck's customers for movement of milk to said points. Should such demand develop in the future, the Commission then can determine whether the then service of Jenkins is or is not adequate.

After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the motor vehicle common carrier service of applicant for the transportation of milk and cream between points within the area described as:

> Beginning at Broomfield, Colorado, thence south 5 miles on Colorado Highway No. 121, thence east 1 mile to Sheridan Boulevard, thence south along Sheridan Boulevard to West Colfax Avenue, thence west to a point 2 miles due west of Golden, thence north along a line paralleling Colorado Highway No. 121 to a point due west of the point of beginning, thence east to the point of beginning,

and from points in said area to Golden, Colorado, with back haul of empty cans, except service from points in said area to Denver, or the Wheatridge and Iowa dairies, and that certificate of public convenience and necessity should issue therefor. Also, that Permit A-616 should be cancelled.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require the proposed motor vehicle common carrier service of applicant for the transportation of milk and cream between points within the area described as:

> Beginning at Broomfield, Colorado, thence south 5 miles on Colorado Highway No. 121, thence east 1 mile to Sheridan Boulevard, thence south along Sheridan Boulevard to West Colfax Avenue, thence west to a point 2 miles due west of Golden, thence north along a line paralleling Colorado Highway No. 121 to a point due west of the point of beginning, thence east to the point of beginning,

and from points in said area to Golden, with back haul of empty cans; provided that no service shall be rendered by applicant from or to points in said area to or from Denver, or Wheatridge and Iowa dairies, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Private Permit No. A-616 be, and it hereby is, cancelled and revoked.

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 within twenty days from date.

The Applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of September, 1941.

BH

(Decision No. 17629)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
F. H. Cunningham, d/b/a) PERMIT NO. C-12882
Detroit Motor Sales)
)

September 17,1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. H. Cunningham, dba Detroit Motor Sales of 1316 East Routt Ave., Pueblo, Colo, requesting that his Permit No. C-12882 be cancelled.

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 Permit No. C-12882, heretofore issued to F. H. Cunningham, d/b/a Detroit Motor Sales be, and the same is hereby, declared cancelled effective, as of June 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17630)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Reuben Gallegos) PERMIT NO. C-12295
)
)

September 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Reuben Gallegos of 1000 So Park Aye., Montrose, Colo. requesting that his Permit No. C-12295 be cancelled.

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 Permit No. C-12295, heretofore issued to Reuben Gallegos be, and the same is hereby, declared cancelled effective, as of July 31, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1941.

G

(Decision No. 17651)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-7445
C. C. Riggle)
)

September 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. C. Riggle of Empire, Colorado, requesting that his Permit No. C-7445 be cancelled.

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 Permit No. C-7445, heretofore issued to C. C. Riggle be, and the same is hereby, declared cancelled effective, as of August 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1941.

G

(Decision No. 17632)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Louis A. Busch) PERMIT NO. C-2531
)
)

September 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Louis A. Busch of Yoder, Colo., requesting that his Permit No. C-2531 be cancelled.

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 Permit No. C-2531, heretofore issued to Louis A. Busch be, and the same is hereby, declared cancelled effective, as of August 12, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17633)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12267
W. C. Breckenridge & Charles W. Woods,
d/b/a
Breck-Woods)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. C. Breckenridge & Chas. W. Woods, dba Breck-Woods of Las Animas, Colorado, requesting that his Permit No. C-12267 be cancelled.

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 Permit No. C-12267, heretofore issued to W.C. Breckenridge & Chas. W. Woods, d/b/a Breck-Woods be, and the same is hereby, declared cancelled effective as of August 14, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17634)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12046
Noy Wright)
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Noy Wright of Boone, Colorado, requesting that his Permit No. C-12046 be cancelled.

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 Permit No. C-12046, heretofore issued to Noy Wright be, and the same is hereby, declared cancelled effective, as of August 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1941.

G

(Decision No. 17635)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-1460
Leonard Brown)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leonard Brown of Bayfield, Colorado, requesting that his Permit No. C-1460 be cancelled.

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 Permit No. C-1460, heretofore issued to Leonard Brown be, and the same is hereby, declared cancelled effective as of August 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17636)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John D. Stieber) PERMIT NO. C-12990
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John D. Stieber of Ft. Lupton, Colorado, requesting that his Permit No. C-12990 be cancelled.

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 Permit No. C-12990, heretofore issued to John D. Stieber be, and the same is hereby, declared cancelled effective, as of August 17, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1941.

G

(Decision No. 17637)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Robert P. Day) PERMIT NO. C-12639
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert P. Day of Parshall, Colorado, requesting that his Permit No. C-12639 be cancelled.

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 Permit No. C-12639, heretofore issued to Robert P. Day be, and the same is hereby, declared cancelled effective, as of August 18, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ J. D. Thurman

Edward D. Arps

Milton Eyre

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17638)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
B. L. Morehead, d/b/a) PERMIT NO. C-5115
Rolling Coal Co.)
)

Sppt. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from B. L. Morehead, dba Rolling Coal Co of Strasburg, Colorado, requesting that his Permit No. C-5115 be cancelled.

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 Permit No. C-5115, heretofore issued to B. L. Morehead, d/b/a Rolling Coal Co., be, and the same is hereby, declared cancelled effective, as of August 21, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I T Thurman

Edward D. Hanks

Marian Epis

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41

G

(Decision No. 17639)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-10578
W. O. Anderson Commission Co
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. O. Anderson Commission Company of 220 East Ash, Salina, Kansas, requesting that his Permit No. C-10578 be cancelled.

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 Permit No. C-10578, heretofore issued to W. O. Anderson Commission Company be, and the same is hereby, declared cancelled effective, as of August 22,1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Thorman

Edward D. Hanley

Malcolm Epis

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17640).

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John N. Schakel) PERMIT NO. C-8847
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John N. Schakel of Oak Creek, Colorado, requesting that his Permit No. C-8847 be cancelled.

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 Permit No. C-8847, heretofore issued to John N. Schakel be, and the same is hereby, declared cancelled effective , as of August 23, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17641)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-13107
John Setterstrum)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Setterstrum of Palisade, Colorado, requesting that his Permit No. C-13107 be cancelled.

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 Permit No. C-13107, heretofore issued to John Setterstrum be, and the same is hereby, declared cancelled effective as of August 25, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17642)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Mr. & Mrs. W. L. Lang dba) PERMIT NO. C-3470
Lang Transit Line)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mr. & Mrs. W. L. Lang, d/b/a Lang Transit Line of Longmont, Colorado, requesting that his Permit No. C-3470 be cancelled.

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 Permit No. C-3470, heretofore issued to Mr. & Mrs. W. L. Lang, d/b/a Lang Transit Line be, and the same is hereby, declared cancelled effective as of August 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Newman

Edward D. Hunter

Mac Gill

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1941.

G

(Decision No. 17643)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-1130
Lena Cross)
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Lena Cross of 2733 Arapahoe, Denver, Colorado, requesting that his Permit No. C-1130 be cancelled.

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 Permit No. C-1130, heretofore issued to Mrs. Lena Cross be, and the same is hereby, declared cancelled effective as of August 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ [illegible]
/s/ [illegible]
/s/ [illegible]
Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17654)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Harry Mattison) PERMIT NO. C-536
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry Mattison of Loveland, Colorado, requesting that his Permit No. C-536 be cancelled.

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 Permit No. C-536, heretofore issued to Harry Mattison be, and the same is hereby, declared cancelled effective, as of August 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17645)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John Kemry)
)
)
)

PERMIT NO. C-7772

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Kemry of 235 So 1st, Grand Junction, Colorado requesting that his Permit No. C-7772 be cancelled.

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 Permit No. C-7772, heretofore issued to John Kemry be, and the same is hereby, declared cancelled effective, as of August 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1941.

G

(Decision No. 17646)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. T; Gorsuch) PERMIT NO. C-12774
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. T. Gorsuch of Sterling, Colorado, requesting that his Permit No. C-12774 be cancelled.

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 Permit No. C-12774, heretofore issued to C. T. Gorsuch be, and the same is hereby, declared cancelled effective, as of August 28, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1941

G

(Decision No. 17647)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Edward Stoner) PERMIT NO. C-10549
)
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edward Stoner of 506 No Fair Oaks Ave., Pasadena, Calif requesting that his Permit No. C-10549 be cancelled.

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 Permit No. C-10549, heretofore issued to Edward Stoner be, and the same is hereby, declared cancelled effective, as of August 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17648)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Richard Gundle)
)
)
)

PERMIT NO. C-11555

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Richard Gundle of 253 Bowen, Longmont, Colorado, requesting that his Permit No. C-11555 be cancelled.

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 Permit No. C-11555, heretofore issued to Richard Gundle be, and the same is hereby, declared cancelled effective as of September 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41

G

(Decision No. 17649)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Fred L. Albin) PERMIT NO. C-12597
)
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred L. Albin of 11 Mile Ranch, Lake George, Colo, requesting that his Permit No. C-12597 be cancelled.

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 Permit No. C-12597, heretofore issued to Fred L. Albin be, and the same is hereby, declared cancelled effective, as of September 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thomson

Edward C. Hunter

Malcolm Eggleston

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17650)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Allen E. Hurt) PERMIT NO. C-11213
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Allen E. Hurt of Mosca, Colorado, requesting that his Permit No. C-11213 be cancelled.

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 Permit No. C-11213, heretofore issued to Allen E. Hurt be, and the same is hereby, declared cancelled effective, as of September 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17651)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-11642
Dale, Robert & Earl Kennedy)
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Dale, Robert & Earl Kennedy of 376 No 5th Ave., Phoenix, Arizona, requesting that his Permit No. C-11642 be cancelled.

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 Permit No. C-11642, heretofore issued to Dale, Robert & Earl Kennedy be, and the same is hereby, declared cancelled effective, as of September 3, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ O. Thorman

/s/ Edward W. Stamer

/s/ Malcolm Eggleston

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17652)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Wm Lee Haag d/b/a) PERMIT NO. C-13245
Haag's Do-Nut Shop)
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Wm. Lee Haag dba Haag's Do-Nut Shop of 217 Main, Fowler, Colorado, requesting that his Permit No. C-13245 be cancelled.

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 Permit No. C-13245, heretofore issued to Wm. Lee Haag d/b/a Haag's Do-Nut Shop be, and the same is hereby, declared cancelled effective, as of September 4, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1941.

G

(Decision No. 17653)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Martin J. Kramer) PERMIT NO. C-5274
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Martin J. Kramer of 648 Sherman, Denver, Colo., requesting that his Permit No. C-5274 be cancelled.

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 Permit No. C-5274, heretofore issued to Martin J. Kramer be, and the same is hereby, declared cancelled effective as of September 4, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17654)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-8562
I. L. Inman)
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from I. L. Inman of Bennett, Colorado, requesting that his Permit No. C-8562 be cancelled.

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 Permit No. C-8562, heretofore issued to I. L. Inman be, and the same is hereby, declared cancelled effective, as of September 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17655)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-1025
Henry Weber)
)
)

Sept. 17, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Henry Weber of 240 W 40th Ave., Denver, Colo, requesting that his Permit No. C-1025 be cancelled.

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 Permit No. C-1025, heretofore issued to Henry Weber be, and the same is hereby, declared cancelled effective, as of September 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thurman

Edward V. Hawkes

Madeline Coiman

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 19 41.

G

(Decision No. 17656)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF S. W. EDWARDS, KIM, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5736-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

Sept. 18, 1941.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at Trinidad, Colorado, in the Court House, on September 8, 1941, at 2:00 o'clocm P. M., due notice of the time and place of hearing being forwarded to applicant. Notwithstanding said notice, applicant failed to appear.

Thereupon, the Commission made the files herein a part of the record, and took the matter under advisement.

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

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same is hereby, dismissed.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1941.

BH

(Decision No. 17657)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF THE COLORADO AND SOUTHERN RAILWAY COMPANY FOR AUTHORITY TO ABANDON TRACKAGE AT WALSENBURG, COLORADO, KNOWN AS COORS' SPUR TRACK.	)	APPLICATION NO. 5744

Sept. 18, 1941.

S T A T E M E N T

By the Commission:

On August 14, 1941, The Colorado and Southern Railway Company, by its general manager, filed a notice of its intention to discontinue and abandon a certain spur track located in the City of Walsenburg, Colorado, known as "Coors Spur", pursuant to General Order No. 15 of the Commission, said abandonment to be effective on and after September 15, 1941.

The said motion avers that Coors Warehouse, to serve which said track originally was constructed, has not been operated for a number of years past, and that there are no other industries located on or served by said trackage, and that there is no longer need for same.

Due notice of said proposed abandonment was served on the Adolph Coors Company, of Golden, party formerly interested in the track, and the Chamber of Commerce of Walsenburg, Colorado. No protests against said discontinuance and abandonment have been received by the Commission within the specified time, and therefore it is understood that there is no longer any need for the continued maintenance of the track for use by parties originally concerned with its installation or by the public generally.

The Commission, therefore, finds that the said railway company should discontinue and abandon said track as herein desired.

O R D E R

IT IS ORDERED:

That The Colorado and Southern Railway Company be, and it is hereby, permitted to discontinue, abandon and salvage the material in a certain spur track located in the City of Walsenburg, known as "Coors Spur" and as shown on the map attached to said notice, to be effective on and after thirty days from the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1941.

BH

(Decision No. 17658)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. W. WARREN, JR., GARDNER, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE AS) APPLICATION NO. 5734-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

Sept. 18, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
W. Lee Sharp, Gardner, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was set for hearing at Trinidad on Monday, September 8, 1941, at two o'clock P. M., at the Court House, due notice of the time and place of hearing being forwarded to applicant. Notwithstanding said setting and notice, applicant failed to appear. Thereupon, at the time and place appointed for hearing, protestants moved that said application be dismissed for lack of prosecution. The files were made a part of the record, and the matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same is hereby, dismissed for lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1941.

BH

(Decision No. 17659)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OTTO ROGERS, LAS ANIMAS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5726-PP
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

Sept. 18, 1941.

Appearances: Homer Rogers, Las Animas, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

Otto Rogers, who, prior to cancellation of his authority, operated under private carrier permit B-2219, herein seeks a permit to operate as a private carrier by motor vehicle for hire for the transportation of melons from farms within a radius of 25 miles of Las Animas, to loading points in said area, and beets from points in said area to beet dumps within said radius.

No objections were interposed to the issuance of permit as limited.

The operating experience and pecuniary 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 the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Otto Rogers be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of melons from farms within a radius of 25 miles of Las Animas, to loading

points in said area, and beets from points in said area to beet dumps within said radius; provided, however, that said permit shall be numbered B-2219.

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

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

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

******

IN THE MATTER OF THE APPLICATION OF FRANK D. MARTIN, HOLLY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5706-PP

Sept. 18, 1941.

Appearances: Frank D. Martin, Holly, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, for the Common Carrier Division of The Colorado Motor Carriers' Association;
H. B. Reynolds, Amarillo, Texas, for North Plains Freight Lines.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a private carrier by motor vehicle for hire for the transportation of grain and livestock between points within a radius of fifty miles of Holly, without the right to transport sacked grain between points on U. S. Highway No. 50.

No objections were interposed to the granting of the authority sought.

The operating experience and pecuniary 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 the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Frank D. Martin, of Holly, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for

hire for the transportation of grain and livestock between points within a radius of fifty miles of Holly, Colorado, without the right to transport sacked grain between points on U. S. Highway No. 50, applicant's equipment to be limited to a one-ton G.M.C. truck or trucks of same capacity.

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

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

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1941.

BH

(Decision No. 17661)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM K. STEWART.)
) P.U.C. No. A-580
)

- - - - - - - - - - -

September 17, 1941

- - - - - - - - - - -

S T A T E M E N T

By the Commission:

On April 7, 1941 ~~1933xxx~~, by order of the Commission, Decision No. 16902, William K. Stewart of 700 Atwood, Longmont, Colorado, was given authority to suspend operations under PUC No. A-580, for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary certificate of insurance, cash deposit, and otherwise having complied with the rules and regulations of the Commission governing private carriers, the Commission is of the opinion and finds that said order of suspension should be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and hereby is, set aside and that PUC No. A-580 be, and the same hereby is, restored to its active status as of ~~the date of this order~~ September 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of September, 1941~~xxxx~~.

R

(Decision No. 17662)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF WILSON McCARTHY AND HENRY SWAN, TRUSTEES OF THE PROPERTY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, FOR AUTHORITY TO DISCONTINUE PASSENGER TRAINS NOS. 15 and 16 BETWEEN PUEBLO AND SALIDA, COLORADO.	)	APPLICATION NO. 5701

Sept. 18, 1941.

S T A T E M E N T

By the Commission:

On September 15, 1941, a motion was filed in the above-styled application for a continuance of the hearing upon petitioners' application from September 25, 1941, to some later date, by John H. Marsalis, attorney at law, Pueblo, Colorado, appearing for Cooperating Railroad Organizations.

The files in said matter show that notice of hearing was issued on August 18, 1941. The matter was set down for hearing on September 4, 1941, and upon application of the Pueblo Chamber of Commerce, said matter was continued by the Commission until September 25, 1941, even though the Denver and Rio Grande Western Railroad Company had requested an early setting.

In view of the facts and circumstances of the case and the continuance heretofore granted, the Commission is of the opinion, and so finds, that ample time has been given to all parties concerned within which to prepare their protests.

The Commission further finds that the motion to postpone the hearing should be denied.

O R D E R

IT IS ORDERED:

That the motion of John H. Marsalis, representing the

Cooperating Railroad Labor Organizations in the above entitled application for a continuance, is hereby denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Thurman

Edward D. Charles

Madeline Epis

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1941.

BH

(Decision No. 17663)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
CLAUDE S. JAMES, LAMAR, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5708-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

Sept. 18, 1941.

Appearances: Claude S. James, Lamar, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
H. P. Reynolds, Amarillo, Texas, for North Plains Freight Lines.

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 livestock between points within the area lying 20 miles north, 10 miles east, and 10 miles west of Lamar, and from points in said area to Pueblo, Denver and Lamar.

Applicant stated that he resided nine miles north and one mile east of Lamar; that he was engaged in raising livestock; that for the purpose of moving his livestock, he purchased a one-ton truck; that his neighbors were without convenient service and repeatedly had asked him to haul a few head of livestock to market for them; that he desires to accommodate them; that he is willing to limit equipment to be used under said operation to a one-truck, or possibly one light semi of not to exceed three tons rated capacity.

There were no objections to the granting of the authority sought.

The operating experience and pecuniary 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 the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Claude S. James, of Lamar, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock between points within the area lying 20 miles north, 10 miles east, 10 miles west of Lamar, and to Lamar on the south, and from points in said area to Pueblo, Denver and Lamar; provided, however, that the equipment to be used in said operation shall be limited to a one-ton truck, or one light semi of not to exceed three tons ~~rated~~ capacity.

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

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

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1941.

BH

(Decision No. 17664)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF AMOS O. BLAND, TWO BUTTES, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 5715-PP

September 19, 1941

Appearances: Amos O. Bland, Two Buttes, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers Association;
H. P. Reynolds, Amarillo, Texas, for North Plains Freight Lines;
L. E. Silvis, Campo, Colorado, pro se.

S T A T E M E N T

By 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 produce between points within the area extending 20 miles north, 20 miles east, 20 miles west of Two Buttes, and to the north boundary of the territory authorized to be served by L. E. Silvis under his certificate of public convenience and necessity, on the south, and from points in said area to points within a radius of 50 miles of Two Buttes, without the right to furnish service between towns.

L. E. Silvis, under his certificate of public convenience and necessity No. 1229 is authorized to transport in irregular service:

> Used household goods and farm machinery, livestock and farm produce from point to point within a radius of 25 miles of Campo, and from and to points in said area to and from points in the State of Colorado.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission, and no objections were interposed to the granting of the authority sought, as limited.

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

O R D E R

IT IS ORDERED:

That Amos O. Bland, of Two Buttes, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce between points within the area extending 20 miles north, 20 miles east, 20 miles west of Two Buttes, and to the north boundary of the territory authorized to be served by L. E. Silvis under his certificate of public convenience and necessity No. 1229, on the south, and from points in said area to points within a radius of 50 miles of Two Buttes, without the right to furnish service between towns.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1941.

JH

(Decision No. 17665)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLAYTON HERN, LA VETA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) APPLICATION NO. 5737

September 19, 1941.

Appearances: Forrest C. Northcutt, Esq., Denver, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
Richard E. Conour, Esq., Del Norte, Colorado, for Faus Transportation Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of the Colorado Transfer and Warehousemen's Ass'n;
W. V. McKaughan, Rye, Colorado, and
W. Lee Sharp, Gardener, by A. J., Fregeau, for themselves;
Robert L. Weir, La Veta, Colorado, for Weir and Copple;
J. H. Cummins, Esq., Denver, Colorado, for Colorado and Southern Railway Company;
James R. Couey, Trinidad, Colorado, for Couey Transfer & Storage Company.

S T A T E M E N T

By the Commission:

As limited by the testimony, applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation, in intrastate commerce, of farm products, including livestock, farm supplies, farm machinery and equipment, sand, gravel and coal, between points within the area extending 7 miles north, 20 miles south, 20 miles west of La Veta, and to Walsenburg on the east; farm products, including livestock from farms and ranches in said area to markets and other points in the State of Colorado, with back haul of farm and ranch supplies to said farms and ranches from supply points in said area and from Pueblo, Walsenburg and Trinidad; and the transportation of household goods and furniture between points in the aforedescribed area, said movements of farm machinery and equipment from Trinidad, Walsenburg and Pueblo to ranches and farms in said area to be

limited to loads not in excess of 6,000 pounds.

At the hearing, applicant stated that he did not propose to perform any town to town service in competition with line haul motor vehicle common carriers, and that his service would be limited to farm and ranch hauling; that is, from farm to farm, farm to town and town to farm; that his transportation of livestock would consist of the movement of livestock to markets, sales yards and packing house centers, such as Denver, Pueblo, La Junta and Walsenburg, and cattle from ranches near La Veta to ranches and farms throughout the State of Colorado; that Goemmer Brothers and William Firm were producers of pure bred cattle in a large way and marketed bulls and heifers; that large quantities of hay are raised in the area and necessarily require transportation to farms and to other markets; that some other farm products are produced which require movement to market; that other farm supplies and farm machinery and equipment, including coal, lumber, cement, sand and gravel, move between points in said area, and farm supplies, farm machinery and equipment move from Pueblo, Walsenburg and Trinidad to farms and ranches in the area.

To meet the objections of Couey Transfer and Storage Company of Trinidad, and other line haul motor vehicle carriers, applicant agreed, as heretofore stated, that he would not perform town to town service, and that the movement of farm machinery and supplies from Pueblo, Walsenburg and Trinidad to ranch and farm points in the area mentioned would be limited to loads not in excess of 6,000 pounds.

Messrs. G. A. Goemmer, J. P. Goemmer and William M. Kincaid, of La Veta, John Penney, G. W. Holmes and William Firm, residents of La Veta and neighboring ranches, were present to testify in support of said application.

Mr. G. A. Goemmer stated that large herds of livestock, pure bred and otherwise, were maintained in the area; that he was engaged in producing pure bred and commercial cattle, having a herd of approximately

three hundred; that his ranch extended from La Veta to a point fifteen miles south; that frequently he was unable to get carrier service to move his cattle; that in marketing pure bred cattle, especially bulls, at times he had five or six moving at the same time to different places; that Weir and Copple, private carriers operating at La Veta, furnish satisfactory service when they are able to serve, but due to restrictions on private carrier operations at times could not perform the service requested; that a neighborhood common carrier service was necessary to satisfy the needs of said community.

Mr. Robert Weir, who, with A. G. Copple, operates under Permit B-1891, stated that they had three pieces of equipment, and, within the limits of their permit were furnishing satisfactory, adequate service for their customers in the La Veta area. Naturally, they were opposed to granting the certificate, but under the law, inasmuch as they are private carriers, the Commission cannot consider the effect of the granting of a certificate upon their operations. It is unfortunate that their investment may perhaps be jeopardized, but they should have applied for a certificate.

W. Lee Sharp, by telephone, communicated with the Commissioner in charge of the hearing. He stated that so long as applicant did not intend to serve the area bordering upon or tributary to the Huerfano River, he would not object to the granting of authority to him to operate as a common carrier.

After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the motor vehicle operations of applicant as limited and as more particularly described in the order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require the proposed

motor vehicle, call and demand, common carrier service of applicant for the transportation in intrastate commerce, of farm products (including livestock), farm supplies, farm machinery and equipment, sand, gravel and coal, between points within the area extending 7 miles north, 20 miles south, 20 miles west of La Veta, and to Walsenburg on the east; and farm products, including livestock, from farms and ranches in said area to markets and other points in the State of Colorado, with back haul of farm and ranch supplies to said farms and ranches from supply points in said area and from Pueblo, Walsenburg and Trinidad; and the transportation of household goods and furniture between points in the aforedescribed area, said movements of farm machinery and equipment from Trinidad, Walsenburg and Pueblo to ranches and farms in said area to be limited to loads not in excess of 6,000 pounds, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1941

JH

(Decision No. 17666)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. L. RICH, CHEYENNE WELLS, COLORADO,)
FOR AUTHORITY TO TRANSFER CERTIFICATE) APPLICATION NO. 1261-AAA-AAA-AAA-AA
NO. 1102 TO FRANK GERWECK, CHEYENNE)
WELLS, COLORADO.)

Sept. 19, 1941.

Appearances: Frank Gerweck, Cheyenne Wells, Colorado, for applicants;
T. A. Stockton, Jr., Esq ., Denver, Colorado, for The Colorado Transfer and Warehousemen's Association and the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

J. L. Rich, doing business as Joe's Truck Line, who operates under certificate of public convenience and necessity No. 1102, herein seeks authority to transfer said certificate to Frank Gerweck, who operates under certificate of public convenience and necessity No. 1514.

Said Rich's authority is limited to the transportation of:

> "Freight between Denver and First View, and points east of a line drawn immediately west of First View; and from point to point in the territory situated in Cheyenne County east of said line, and between points in said easterly portion of Cheyenne County and the portion lying in said county west of said line."

Mr. Gerweck stated that the consideration for the transfer of said certificate is the sum of $550.00; that trucking operations in the territory served by him under said certificate, as well as the territory served by Rich, have been limited and it has been difficult to make a livelihood, and for that reason the transfer herein sought has been arranged, he being

under the impression that with both operating rights, he may be able to make a livelihood; that there are no outstanding unpaid operating obligations against Rich's operations; that the public interest permits the consolidation of said operations, and he requests that the same be permitted.

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

O R D E R

IT IS ORDERED:

That J. L. Rich, doing business as Joe's Truck Line, should be, and he hereby is, authorized to transfer the authority acquired by him pursuant to Decision No. 16255, as hereinabove described, to Frank Gerweck, doing business as Cheyenne Wells Truck Line.

That said Gerweck be, and he is hereby authorized to consolidate his operations under said certificates of public convenience and necessity Nos. 1102 and 1514, said certificate of public convenience and necessity to be hereafter known as P.U.C. No. 1514.

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.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1941.

BH

(Decision No. 17667)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DALE VAN EGMOND, LAS ANIMAS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 5707-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

Sept. 19, 1941.

Appearances: Dale Van Egmond, Las Animas, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
H. B. Reynolds, Amarillo, Texas, for North Plains Freight Lines.

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 hay and bulk grain between points within a radius of 50 miles of Las Animas, Colorado.

He stated that he did not contemplate any hauling between points on Highway No. 50.

The operating experience and pecuniary 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 the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Dale Van Egmond, Las Animas, Colorado, should be, and is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay and bulk grain between points within a radius of 50 miles of Las Animas, Colorado.

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

This order shall be the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1941.

BH

(Decision No. 17668)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SOLOMON DEINES, FT. COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE NO. 910 TO HENRY HAUSER AND HARRY HARBISON, DOING BUSINESS AS HAUSER AND HARBISON, FORT COLLINS, COLORADO.	)	APPLICATION NO. 5210-AA

Sept. 19, 1941.

Appearances: Worth Allen, Esq., Denver, Colorado, for applicants;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On June 30, 1938, Decision No. 7919, Solomon Deines was authorized to operate as a common carrier by motor vehicle for hire for the transportation, on call and demand, of farm products, including livestock, from point to point in that part of Larimer County and Weld County which lies north of a line drawn east and west nine miles south of Fort Collins and west of Range 67 West; and from and to points in said area to and from other points in the State of Colorado, with the right to transport all commodities (except household goods) from and to farms in said area, to and from Fort Collins, Colorado, specifically eliminating, however, the transportation of farm products (exclusive of livestock) into Denver, and any competition with common carrier line haul operators between towns.

He now seeks authority to transfer said certificate to Henry Hauser and Harry Harbison, copartners, doing business as Hauser and Harbison, of Fort Collins, Colorado.

At the hearing, it developed that the consideration for the

transfer of said certificate is the sum of $350.00; that all operating obligations of transferor have been paid with the exception of the sum of $100.00 due Karst Service Station, of Fort Collins; $87.00 due Toliver & Kinney Mercantile Company of Fort Collins, and $12.00 due the Colorado Motor Carriers' Association, also highway compensation taxes due the State of Colorado, which amounted to $37.00 at the time of filing the application.

Applicant agreed that said transferees should pay Karst Service Station the sum of $100.00, and the Colorado Motor Carriers' Association the sum of $12.00, out of said purchase moneys, said sum to be deducted from the amount paid. He further stated that he was under the impression that he had made satisfactory arrangement with Toliver & Kinney Mercantile Company whereby they would look to him for payment of their bill of $87.00, but in the event Toliver & Kinney insisted on payment, transferees should also deduct that amount from the purchase price and pay same to Toliver & Kinney Mercantile Company for his account.

Mr. Henry Hauser, testifying for transferees, stated that transferees had operated as commercial and private carriers for a considerable time; that they operated under an "A" permit, No. A-2599, which authorizes:

> transportation of pickles and pickle company products, both before and after processing, between Fort Collins and Denver, via U. S. 287 to corner east of Broomfield, thence to Denver, via North Washington Highway, including the right to transport from Denver to Fort Collins merchandise and plant supplies; provided that such service shall extend only to the transportation of such merchandise between Ft. Collins and Denver and vice versa, without the right to serve any intermediate points, and provided further that the only customer that may be served by applicants herein will be the Dreher Pickle Company, and applicants may not add to or extend such customer list without authority from the Commission after due notice and hearing;

and under Permit No. B-2440 which authorizes the transportation of:

> Farm products, including livestock and feed, between points in the Laramie River country and the Red Feather country, being that area in northwestern Larimer County west of US 287, and north of Colo. 14, both highways not included, and Fort Collins and Greeley; and coal from the northern Colorado coal fields to users in Fort Collins and the described Laramie River country and the Livermore and Red Feather country, provided no cement shall be transported in competition with Ted Carpenter & Son, as authorized by their Certificate 1017, and no intermediate points between Ft. Collins and Greeley, nor between Ft. Collins and Livermore shall be served by applicants.

On August 9, 1939, said permit was extended to include:

> Transportation of livestock, only, from that part of Larimer County lying west of U. S. 287, known as the Larimer River country and the Red Feather Lakes section, to Denver, with no back haul.

On March 9, 1940, this permit was amended by Decision No. 12781 to include:

> Transportation of cement from the cement plant at Boettcher to users in the Laramie River Country and the Red Feather-Livermore country.

On June 7, 1940, by Decision 15509, the authority under this permit was further extended to include:

> Transportation of fresh cucumbers, only, from points within the so-called "Red Feather territory", described in Decision 12781, and from points within a radius of 25 miles of Fort Collins to processing plants of said Dreher Pickle Company in said original and extended territories.

Mr. Hauser further stated that in their judgment they could conduct said operations separately and in such manner as to avoid violation of rules and regulations of the Commission which prohibit consolidation of common carrier and private carrier operations, or, in effect, prevent a carrier from operating at the same time as a common carrier and a private carrier. In the event such segregation of operations cannot be easily had, applicants will not oppose the cancellation of said private carrier authorities.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted, subject to the conditions hereinafter set forth.

O R D E R

IT IS ORDERED:

That Solomon Deines be, and he hereby is, authorized to transfer the authority to operate as a common carrier by motor vehicle, on call and demand, granted in said Decision No. 7919, to Henry Hauser and Harry Harbison, provided that said transferees, out of the purchase moneys to be paid for said certificate of public convenience and necessity, pay the sum of $100.00 to Karst Service Station; the sum of $12.00 to the Colorado Motor Carriers' Association, and $87.00 to Toliver & Kinney Mercantile Company, unless said

Toliver & Kinney Mercantile Company shall agree to look to Solomon Deines for payment of said sum; and shall pay highway compensation taxes to the State of Colorado which may be due for operations under said certificate, the balance of the purchase price to be paid to transferor.

The tariff of rates, rules and regulations of the transferor shall remain those of the transferees until changed according to law and the rules and regulations of this Commission.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L T D Thurman

Edward V. Charles

Walter Ewing

Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1941.

BH

(Decision No. 17669)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH P. RUTH.) P.U.C. No. A-750
)

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- - - - - - - - - -

Sept. 18, 1941

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S T A T E M E N T

By the Commission:

On May 7, 1941 ~~xxxxx~~, by order of the Commission, Decision No. 17109, Joseph P. Ruth of Continental Oil Bldg., Denver, Colorado was given authority to suspend operations under PUC No. A-750 for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary certificate of insurance, cash deposit, and otherwise having complied with the rules and regulations of the Commission governing private carriers, the Commission is of the opinion and finds that said order of suspension should be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and hereby is, set aside and that PUC No. A-750 be, and the same hereby is, restored to its active status as of the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Sherman

Edward D. Dawley

Madeline Epis

Commissioners

Dated at Denver, Colorado,
this 18th day of September, ~~xxxx~~ 1941

(Decision No. 17670)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. R. PARSONS.)
) P.U.C. No. 836-I
)

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Sppt. 23, 1941

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S T A T E M E N T

By the Commission:

On April 2, 1941 ~~xxxxxxx~~ 193~~x~~, by order of the Commission, Decision No. 16900, L. R. Parsons of Wakeeney, Kansas, was given authority to suspend operations under PUC No. 836-I for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary certificate of insurance, cash deposit, and otherwise having complied with the rules and regulations of the Commission governing interstate carriers, the Commission is of the opinion and finds that said order of suspension should be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and hereby is, set aside and that PUC No. 836-I be, and the same hereby is, restored to its active status as of ~~the date of this order~~ August 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of Sept., 1941 ~~xx193x~~.

R

(Decision No. 17671)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. N. GILLEN.)
) PERMIT NO. C-4664
)
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. N. Gillen of Star Route, McCook, Nebraska, requesting that his Permit No. C-4664 be cancelled.

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 Permit No. C-4664, heretofore issued to F. N. Gillen, be, and the same is hereby, declared cancelled effective September 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of September, 19 41.

R

(Decision No. 17672)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F.N. Gillen, of Star Route,)
McCook, Nebraska.) PERMIT NO. 1142-I
)
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. N. Gillen of Star Route, McCook, Nebraska, requesting that his Permit No. 1142-I be cancelled.

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 Permit No. 1142-I, heretofore issued to F. N. Gillen, be, and the same is hereby, declared cancelled effective September 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of September, 19 41.

(Decision No. 17673)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. DUNSTAN, OF 4117 QUIVAS ST.,) PERMIT NO. B-2288
DENVER, COLORADO.)

Sept. 23, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. B-2288 be suspended for a period of six months.

The Commission finds said request should be granted.

O R D E R

IT IS ORDERED:

That C. H. Dunstan should be allowed to suspend his operations under Permit No. B-2288 for a period of not to exceed six months from September 16, 1941.

That unless said C. H. Dunstan shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of September, 1941

R

(Decision No. 17674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
S. W. TROGDON, DOING BUSINESS AS) PERMIT NO. 705-I
THE TROGDON TRUCK LINE.)

Sept. 23, 1941.

S T A T E M E N T

By the Commission:

The services of the above named truck line have been temporarily discontinued through court action.

In order to preserve the permit, the Commission finds that said Permit No. 705-I should be suspended for a period of six months.

O R D E R

IT IS ORDERED:

That S. W. Trogdon, doing business as The Trogdon Truck Line, should be allowed to suspend his operations under Permit No. 705-I for a period of not to exceed six months from August 12, 1941.

That unless said S. W. Trogdon, doing business as The Trogdon Truck Line, shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to interstate carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of September, 1941.

R

(Decision No. 17675)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWIN RUSHTON, JR., OF 4501 W.) PERMIT NO. B-2320
34th AVE., DENVER, COLORADO.)

September 23, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. B-2320 be suspended for a six months' period.

The Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That Edwin Rushton, Jr. should be allowed to suspend his operations under Permit No. B-2320 for a period of not to exceed six months from September 17, 1941.

That unless said Edwin Rushton, Jr. shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of September, 1941.

R

(Decision No. 17676)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RADER-RULE, INC., OF GLENWOOD) PERMIT NO. A-2434
SPRINGS, COLORADO.)

September 23, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee stating that it is not operating at the present time under Permit No. A-2434.

The Commission finds that said Permit No. A-2434 should be suspended for a period of six months.

O R D E R

IT IS ORDERED:

That Rader-Rule, Inc. should be allowed to suspend operations under Permit No. A-2434 for a period of not to exceed six months from September 6, 1941.

That unless said Rader-Rule Inc. shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of September, 1941.

R

(Decision No. 17677)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. C. MOORE, OF CAMPO, COLORADO.) PERMIT NO. B-1823

Sept. 23, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee stating that at the present time, no operations are being carried on under Permit B-1823.

The Commission finds that said permit should be suspended for a period of six months.

O R D E R

IT IS ORDERED, That G. C. Moore should be allowed to suspend his operations under Permit No. B-1823 for a period of not to exceed six months from August 8, 1941.

That unless said G. C. Moore shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of September, 1941.

R

(Decision No. 17678)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. H. LISCHKE AND G. W. HEFLIN,) PUC NO. 1211
OF DeBEQUE, COLORADO.)

Sept. 23, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named certificate holders requesting that their certificate No. 1211 be placed on the "inactive" list.

The Commission finds that said Certificate No. 1211 should be suspended for a period of six months.

O R D E R

IT IS ORDERED:

F. H. Lischke and G. W. Heflin should be allowed to suspend their operations under PUC 1211 for a period of not to exceed six months from September 8, 1941.

That unless said F. H. Lischke and G. W. Heflin shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of September, 1941.

R

(Decision No. 17679)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF W. G. WHITEHURST, DOING BUSINESS AS MONTROSE TRUCKING COMPANY, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 5637-PP

Sept. 25, 1941.

Appearances: Herbert L. Strang, Esq., Montrose, Colorado, for applicant;
Fellin Bros., by Oliver Fellin, Ouray, Colorado, pro se;
Delbert Ferra, Montrose, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant, testifying in his own behalf, stated that at the time of the hearing, he was engaged in the hauling of logs from Log Hill Mesa, as well as southeast of Cimarron under temporary authority. In addition to the transportation of logs and log products, he seeks authority to transport farm products and livestock, all within a 50-mile radius of Montrose. The application also seeks authority to transport sand and gravel, but applicant stated that he was not interested in this particular haul.

On behalf of applicant, a witness testified that he was producing between 300,000 and 600,000 feet of lumber per year; that he has one truck of his own, but it is also necessary that he employ other trucks to move his products; that he had had some trouble finding authorized carriers who had the proper equipment; that it was impossible to take high class equipment over the roads which it is necessary to travel in order to bring out some of his logs, and that he had an arrangement with applicant to do this work for him and take lumber in payment of same.

On behalf of protestants, Delbert Ferra, who operates under

certificate of public convenience and necessity No. 1068, authorizing the transportation of timber, lumber, livestock, farm products, heavy machinery and equipment, all within a radius of 50 miles of Montrose, stated that he had asked the witness for applicant for his transportation work, and while he had hauled some for him in the past, apparently his prices were not right, or at least he was not now getting the work; that he had ample equipment to handle this kind of work and did not object to going over country roads. He further stated that his investment in equipment amounted to about $5,000.00; that he was barely making a living and that his equipment was idle at least fifty per cent of the time. He called attention to the other common carrier service authorized in Montrose and stated that the granting of further authority would impair his own services that he is now able to render the public.

Oliver Fellin, Ouray, Colorado, who operates under Certificate No. 871, testified that while he had no particular objection to the present operations of applicant under temporary authority, yet he felt the territory was amply served by authorized carriers and objected strenuously to the granting of further authority which, in his opinion, would impair the operations of those now authorized to conduct common carrier operations in that territory.

An examination of the record discloses that applicant has failed to establish any need for additional service in the Montrose area. Outside of the statement of one witness that he had had some trouble in obtaining service of authorized carriers to handle his logs, there is no showing that the present service is inadequate so far as the shipping public is concerned. Those who have obtained certificates, made investments in equipment, and stand ready and willing to give the public adequate service, are entitled to be protected from ruinous competition.

In addition to this, Section 3 of Chapter 120, Session Laws of 1951, provides, inter alia:

"No application for permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after hearing, nor shall any such permit or any extension or enlargement thereof, be granted 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 or carriers then adequately serving the same territory over the same general highway route or routes."

In view of this provision of law, as well as the failure of the evidence to disclose any material inadequacy of existing service, the Commission is of the opinion, and so finds, that the instant application should be denied.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, denied.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

(Decision No. 17680)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JIM THOMAS AND J. R. JARRETT, CLIFTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5638-PP

Sept. 25, 1941.

Appearances: Lincoln D. Coit, Esq., Grand Junction, Colorado, for Rupert E. Borden;
Fellin Bros., by Oliver Fellin, Ouray, Colorado, pro se;
Gateway Stage Line, Gateway, Colorado, pro se;
Colorado-Nebraska Transport, Grand Junction, Colorado, pro se.

S T A T E M E N T

By the Commission:

The instant case was called for hearing at Montrose, Colorado, on July 8, 1941. However, no appearance was made for applicants, although our records indicate that due notice of said hearing was mailed to them.

Motion was made at the hearing that the application be dismissed for lack of prosecution.

Subsequent to the hearing, the Commission has received a written request from applicants that the instant application be cancelled.

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

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed at the request of applicants.

That the $10.00 deposit fee made by applicants be transferred to credit of the account of J. R. Jarrett, at Clifton, Colorado, operating

under a "C" permit.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

(Decision No. 17681)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ROY DENNY, YAMPA, COLORADO, COMMERCIAL CARRIER PERMIT NO. C-12905.) CASE NO. 4871

September 25, 1941.

Appearances: E. B. Evans, Esq., Denver, Colorado, for the Commission;
Roy Denny, Yampa, Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 16, 1941, Decision No. 17480, the Commission issued a show cause order against respondent, Roy Denny, alleging that under a commercial permit he had transported for hire household goods from Yampa, Colorado, to Englewood, Colorado, receiving therefor the sum of $25.00. A further charge was made that respondent fails to keep daily records in the manner and form prescribed by law and our rules and regulations.

The evidence disclosed that respondent was cited to appear before a Justice of the Peace of Steamboat Springs on July 14 and was fined the sum of $25.00 and costs amounting to $3.55 for the above illegal transportation of said household goods.

Testifying in his own behalf, respondent stated that he had violated the law in the above respect, and the only excuse he could offer was that he was hard up and thought he would take a chance. He further testified that he had paid part of the fine and had been given until September 1 to pay the balance by the Justice of the Peace; that his only means of livelihood was his operations with his truck or such daily labor as he could obtain. Most of his operations with his truck consist of the transportation of mine props, timber and coal. These commodities he buys and sells.

Respondent has a wife and one child, and he stated that he had "learned his lesson" and would comply strictly with the law and our rules and regulations in the future.

One of the most serious difficulties that carriers for hire have to contend with is the illegal operation of commercial carriers, and said operations are very difficult to police and to obtain sufficient evidence to justify drastic action. The Commission is whole-heartedly behind all efforts that will tend to control the operations of commercial carriers within the legal restrictions imposed upon them. However, in the instant case, we are inclined to believe that respondent has "learned his lesson". In addition to the fine which was assessed against him by the Justice of the Peace, he has been compelled to come to Denver and attend the instant hearing. His financial condition certainly is not flourishing, and undoubtedly he needs what work he can legitimately obtain under his commercial permit to support his family. We are inclined to temper justice with mercy in the instant case and are of the opinion that the imposition of any further penalty against respondent would not tend to further the ends of justice or improve the law enforcement activities of our department to any appreciable extent. However, we desire to warn respondent that any further violations of any kind, nature or description, will not be tolerated.

Subsequent to the hearing, it developed that respondent is now residing at Yampa, Colorado. The authority under his commercial carrier permit No. C-12905 is limited to a radius of fifty miles of Skull Creek, Colorado, and he has insurance now in effect covering his operation under said permit only within a radius of fifty miles of Skull Creek. The respondent stated that he had asked the agent for his insurance company as to whether or not he could operate out of Yampa, Colorado, and was informed that his permit and insurance would cover an operation within a radius of fifty miles of Yampa, Colorado.

Respondent's informant was incorrect in giving the respondent such information. Respondent's authority under his said permit is limited to operations within a radius of fifty miles of Skull Grove, Colorado. He has now made application to the Commission for a change in his authority so that he may have authority under his said permit to operate within a radius of fifty miles of Yampa, Colorado. Respondent should immediately call to the attention of his insurance company the change which he desires to be made in his permit, and his insurance coverage should be rewritten to cover respondent's operations within a radius of fifty miles of Yampa, Colorado. Of course, the fact that an insurance agent gave respondent incorrect information, is no justification for his acts, but the Commission is of the opinion that insurance agents should not give such erroneous advice to trackers.

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 ORDERED:

That the instant case be, and the same is hereby, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of September, 1941

JH

(Decision No. 17682)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF G. E. COWAN, SALIDA, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE NO. 1250 TO BLUE EAGLE TRUCK LINES, INC., LONGMONT, COLORADO.	APPLICATION NO. 4654-A
IN THE MATTER OF THE APPLICATION OF L. M. ANDERSON AND SONS, LIMON, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE NO. 898 TO BLUE EAGLE TRUCK LINES, INC., LONGMONT, COLO.	APPLICATION NO. 3259-A
IN THE MATTER OF THE APPLICATION OF RICHARD POSTEL, MONTE VISTA, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE NO. 801 TO BLUE EAGLE LINES, INC., LONGMONT, COLORADO.	APPLICATION NO. 3243-AA

September 25, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants;
E. T. Gray, Limon, Colorado, for Gray Land and Livestock Company;
Conour and Conour, Esqs., Del Norte, Colorado, for Faus Transportation Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
J. Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
Ray B. Danks, Esq., Denver, Colorado, for the Common Carrier Division of the Colorado Motor Carriers Association;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Hodges, Vidal and Goree, Esqs., Denver, Colorado, for Rocky Mountain Parks Transportation Company, et al.

S T A T E M E N T

By the Commission:

On the 12th day of July, 1941, the Commission entered its order in the above entitled matters. Thereafter, on July 18, 1941, applicants filed a petition for rehearing.

The Commission has carefully examined each and every allegation contained in said petition for rehearing, and is of the opinion that no good purpose would be served by granting same.

O R D E R

IT IS ORDERED:

That the petition for rehearing filed in the instant matters be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of September, 1941.

JH

(Decision No. 17683)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED AUSTIN, DOING BUSINESS AS)
AUSTIN BROTHERS, BOULDER, COLORADO,) APPLICATION NO. 1382-AAA-BAB
FOR AN EXTENSION OF CERTIFICATE)
NO. 375.)

September 25, 1941.

Appearances: James J. Patterson, Esq., Golden, Colorado, for applicant;
Marion F. Jones, Esq., Denver, Colorado, for Pioneer Trucking Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
V. G. Garnett, Denver, Colorado, for The Colorado Rapid Transit Company;
Harold E. Swena, Golden, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant is now the owner of certificate of public convenience and necessity No. 375, which authorizes the transportation of milk, cream and dairy products generally from certain areas in Boulder County to Denver. In the instant application, he is seeking to extend his authority under said certificate to authorize transportation from the Boulder territory to Marshall, Golden, Colorado, and intermediate points; and to Fort Lupton, including the right to transport beer and other malt and brew products from Golden to Lafayette and Boulder, Colorado, and intermediate points. However, at the hearing, applicant waived his application insofar as the transportation of beer and other malt and brew products was concerned.

Testifying in his own behalf, applicant stated that at times during the year a surplus of milk existed in Boulder, which he has been hauling to Golden over what is known as the "foothills road". Some of this milk is hauled directly from farmers and some from Boulder dairies. While he has been performing this service off and on for approximately 20 years, yet it has been more or less regular during the past two years.

Applicant concedes that he had no authority to serve Golden from Boulder, but stated that our Law Enforcement Division was aware of the fact that he was transporting this milk, and no objection was made as no common carrier service was being adversely affected. He started in transporting approximately 10 cans a day and this gradually increased to about 90 cans during such periods as any movement was being made. He leaves Boulder at approximately 10:00 A.M. and arrives at Golden between 10:30 and 11:00 A.M. He further stated that no other carrier has ever rendered this service during the last five years. He also stated that some of his customers desired their milk to go to Fort Lupton instead of Denver; that a condensery is in operation at Fort Lupton, and that he has lost some 15 or 20 of his customers to a private carrier due to his inability to serve Fort Lupton. Applicant stated that he did not believe a service which would contemplate the transfer of the milk at any point west and north of Denver would be satisfactory; that the distance was considerably more than via the direct foothills route, and he, himself, would be authorized to perform that part of the service between Boulder and Denver, but had never considered the same advisable.

On behalf of protestants, the testimony given by Mr. Garnett and Mr. Swena in Application No. 1776-AA-B was made part of the record in the instant case. This testimony dealt largely with the combined service that could be rendered by the Colorado Rapid Transit Company and Swena Truck Line by transfer of the milk at Arvada or West 44th Avenue and Wadsworth Avenue. The distance from Boulder to Golden via the foothills road is approximately 20 miles, and it is at least 15 miles further by the proposed interline movement.

Mr. Garnett, of the Colorado Rapid Transit Company, was opposed to any extension of authority that would include Fort Lupton, as his company is authorized to serve Fort Lupton, and he testified that he had contacted the Fort Lupton condensery and was unable to get any of their

business, as they confined their operations to their own "A" carriers. He stated that he had two trucks going through Fort Lupton daily and could serve customers very expeditiously who were cut off from the Denver market. He further stated that it would weaken the Denver market if shippers were allowed to ship to Fort Lupton, as the Denver market has the first call on this milk.

The Commission is again faced with the fact that we have no evidence as to the convenience and necessity to be served except that of the carriers themselves. It is possible that some convenience and necessity may exist for the proposed extension of applicant's service to include the right to deliver at Fort Lupton. However, the record fails to disclose this fact, except the testimony of applicant himself, which is contradicted by the testimony of the Colorado Rapid Transit Company.

So far as the direct operation between Boulder and Golden is concerned, we believe the record does justify the granting of the extension sought. It is true that applicant has been rendering this service without proper authority. However, it is also apparent that such service was needed, that it has been in the public interest, and that applicant has not wilfully violated the law. We could not, of course, grant a certificate, the necessity of which was stemmed upon an illegal operation, except under conditions such as are disclosed by the instant record.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the extension herein sought should be granted insofar as the first authority sought by applicant is concerned, and denied as to the other two extensions sought.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require that Fred Austin, doing business as Austin Brothers, be, and he is hereby, authorized to extend his operations under certificate of public convenience and necessity No. 375 to include the right to transport milk, cream and dairy products, from all points in the territory

in Boulder County which he is now authorized to serve under said certificate to Marshall and Golden, Colorado, and intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That said application for authority to serve Fort Lupton, as well as authority to transport beer and other malt and brew products from Golden to Lafayette and Boulder, Colorado, and intermediate points, be, and the same is hereby, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of September, 1941.

JH

(Decision No. 17684)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. C. DAVIS, SPRINGFIELD, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 5713-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

- - - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
September 25, 1941.
- - - - - - - - - -

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A.M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of September, 1941.

JH

(Decision No. 17685)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEWIS CRISLER, WALSH, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5716-PP

September 25, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A.M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
September 25, 1941
JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN HARBERT, CAMPO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5709-PP

Sept. 25, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A. M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice and hearing, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that that application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed

for lack of prosecution.

That this order become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

(Decision No. 17687)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. O. BRINKLEY, PRITCHETT, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 5712-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

Sept. 25, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A. M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed for

lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HERB WEST, LAMAR, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5705-PP

Sept. 25, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A. M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed for

lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. J. COTTRELL, VILAS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5714-PP

Sept. 25, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A. M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed for

lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

(Decision No. 17690)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF OWEN PACKARD, WALSH, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5717-PP

Sept. 25, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A. M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed for lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

(Decision No. 17691)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. L. ROBINS, MONTROSE, COLORADO,) APPLICATION NO. 5392-PP-B
FOR AN EXTENSION OF PRIVATE CARRIER)
PERMIT NO. B-2273.)

Sept. 25, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A. M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed for

lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

(Decision No. 17692)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF Z. T. HOWELL, SPRINGFIELD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5710-PP

Sept. 25, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
L. E. Silvis, Campo, Colorado, pro se;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Lamar, Colorado, on Tuesday, the 9th day of September, 1941, at 10:00 o'clock A. M., at the Court House, due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After a 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 ORDERED:

That the instant application be, and is hereby, dismissed

for lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

(Decision No. 17693)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ERNEST V. BRITTON, LAS ANIMAS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 5711-PP

Sept. 25, 1941.

Appearances: Ernest V. Britton, Las Animas, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
H. B. Reynolds, Amarillo, Texas, for North Plains Motor Freight Lines.

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 loose hay and melons between points within a radius of twenty-five miles of Las Animas, Colorado, excepting the transportation of melons between towns on U. S. Highway No. 50.

There was no objection to the issuance of permit as limited.

The operating experience and pecuniary 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 the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Ernest V. Britton, of Las Animas, 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 loose hay and melons between points

within a radius of twenty-five miles of Las Animas, Colorado; provided, however, that no melons shall be transported between towns on U. S. Highway No. 50.

All operations under this permit shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V Sherman

Edward D. Vidler

Malcolm Ericson

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1941.

BH

(Decision No. 17694)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C-B Produce & Provision Co.) PERMIT NO. C-10103
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C-B Produce & Provision Co of 230 Produce Bldg., 1315 E 7th, Los Angeles, Calif. requesting that his Permit No. C-10103 be cancelled.

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 Permit No. C-10103, heretofore issued to C-B Produce & Provision be, and the same is hereby, declared cancelled effective as of August 24, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I T Thurman

Edward E. Dresser

William Grisham

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 19 41

G

(Decision No. 17695)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
T. J. Denning)
)
)
)

PERMIT NO. C-11900

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. JR Denning of Hudson, Colorado, requesting that his Permit No. C-11900 be cancelled.

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 Permit No. C-11900, heretofore issued to T. J. Denning be, and the same is hereby, declared cancelled effective, as of September 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 1941.

G

(Decision No. 17696)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
H. D. Fulwiler, d/b/a)
H.D.Fulwiler Motor Co.)
)

PERMIT NO. C-12473

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. D. Fulwiler, d/b/a H. D Fulwiler Motor Co of 613 Texas, El Paso, Texas, requesting that his Permit No. C-12473 be cancelled.

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 Permit No. C-12473, heretofore issued to H. D. Fulwiler, d/b/a H. D. Fulwiler Motor Co be, and the same is hereby, declared cancelled effective , as of September 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thurman

Edward V. Denver

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 1941.

G

(Decision No. 17697)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
M. R. Stokes) PERMIT NO. C-12113
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. R. Stokes of 1622 Water, Boulder, Colorado, requesting that his Permit No. C-12113 be cancelled.

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 Permit No. C-12113, heretofore issued to M. R. Stokes be, and the same is hereby, declared cancelled effective, as of September 5, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thurman

Edward D. O'Neal

Malcolm Fair

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 19 41.

G

(Decision No. 17698)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Lee Thompson) PERMIT NO. C-12123
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lee Thompson of 1313 Buena Vista, Trinidad, Colorado requesting that his Permit No. C-12123 be cancelled.

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 Permit No. C-12123, heretofore issued to Lee Thompson be, and the same is hereby, declared cancelled effective as of September 4, 1941

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23d day of September 19 41.

G

(Decision No. 17699)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Robert C. Bayer) PERMIT NO. C-11709
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert C. Bayer of 577 5th St., Arvada, Colorado, requesting that his Permit No. C-11709 be cancelled.

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 Permit No. C-11709, heretofore issued to Robert C. Bayer be, and the same is hereby, declared cancelled effective, as of September 12, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V D Shuman

Edward E Dunbar

Walter Hill

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 19 41.

G

(Decision No. 17700)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-15280
Mrs. J. R. Smith)
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. J. R. Smith of Alta Vista Hotel, Pueblo, Colorado, requesting that his Permit No. C-15280 be cancelled.

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 Permit No. C-15280, heretofore issued to Mrs. J. R. Smith be, and the same is hereby, declared cancelled effective, as of September 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. T. Thurman

Edward C. Dawes

Mark Smith

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 1941

G

(Decision No. 17701)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. H. Funk) PERMIT NO. C-11548
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. H. Funk of Snyder, Colorado, requesting that his Permit No. C-11548 be cancelled.

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 Permit No. C-11548, heretofore issued to C. H. Funk be, and the same is hereby, declared cancelled effective as of September 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 1941.

G

(Decision No. 17702)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. A. Mumma, d/b/a) PERMIT NO. C-12716
Mumma Sales & Service)
)

Sept. 23, 1941

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. A. Mumma dba Mumma Sales & Servicer 400 Main, Alamosa, Colorado, requesting that his Permit No. C-12716 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. C-12716, heretofore issued to C.A. Mumma d/b/a Mumma Sales & Service be, and the same is hereby, declared cancelled effective, as of September 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 19 41.

G

(Decision No. 17703)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. L. Irby Sr.) PERMIT NO. C-12249
)
)
)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. L. Irby, Sr. of Rt 2, Box 43, Golden, Colorado., requesting that his Permit No. C-12249 be cancelled.

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 Permit No. C-12249, heretofore issued to C. L. Irby Sr be, and the same is hereby, declared cancelled effective , as of September 15. 1841.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thomson

Edward D Dunlap

Malcolm Lewis

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 19 41.

G

(Decision No. 17704)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-5426
Ellen M. Pendergrass, Administratrix)
Estate of)
Ed Pendergrass)

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ellen M. Pendergrass, Administratrix Estate of Ed Pendergrass of 204 So College, Ft. Collins, Colorado requesting that his Permit No. C-5426 be cancelled.

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 Permit No. C-5426, heretofore issued to Ellen M. Pendergrass, Administratrix, Estate--Ed Pendergrass be, and the same is hereby, declared cancelled effective as of September 16, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. O. Thorman

Edward E. Meade

Mabel Wisecarver

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 19 41.

G

(Decision No. 17705)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Beryl Moore)
)
)

PERMIT NO. C-12507

Sept. 23, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Beryl Moore of 623 11th Ave., Greeley, Colo, requesting that his Permit No. C-12507 be cancelled.

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 Permit No. C-12507, heretofore issued to Beryl Moore be, and the same is hereby, declared cancelled effective, as of September 18, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V D Shannon

Edward V. Carlson

Walker Evison

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 19 41.

G

(Decision No. 17706)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. S. Burgner) PERMIT NO. C-5697
)
)
)

Sept. 25, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. S. Burgner of 927 12th St., Boulder, Colorado, requesting that his Permit No. C-5697 be cancelled.

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 Permit No. C-5697, heretofore issued to C. S. Burgner be, and the same is hereby, declared cancelled effective , as of September 18, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Thurman

Edward E. Dunklee

Mahlon Sullivan

Commissioners.

Dated at Denver, Colorado,
this 23d day of September, 1941.

G

(Decision No. 17707)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF ROBERT M. McGRAW, 2201 WEST COLORADO AVENUE, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 5748-PP

Sept. 27, 1941.

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 coal from Clara Bell Coal Mine, located about thirteen miles east of Colorado Springs, and from Canon City coal fields, to points within a radius of fifty miles of said Clara Bell coal mine.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Robert M. McGraw, Colorado Springs, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from Clara Bell Coal Mine, located about thirteen miles east of Colorado Springs, and from Canon City coal fields, to points within a radius of fifty miles of said Clara Bell coal mine.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit

deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF"THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1941.

BH

(Decision No. 17707)½

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MIKE PECORARO, TRINIDAD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5735-PP

September 23, 1941.

Appearances: Mike Pecoraro, Route 2, Trinidad, Colorado, pro se.

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 milk and cream to Trinidad from farms within five miles of the following described highways:

> Beginning at Hoehne, Colorado, thence west along State Highway 204 to a point where said highway is intersected by county road extending north from El Moro; thence south along said county road to the junction of said road with State Highway 239 in El Moro; thence westerly along said State Highway 239 to Trinidad;

with back haul of empty cans and whey.

At the hearing, applicant stated that he was a farmer residing at Chicosa, Colorado, at or near the point where said State Highway 204 is intersected by the El Moro road; that he is a milk producer and has been requested by his friends and neighbors to haul their milk to Trinidad when he delivers his own milk; that there is a considerable increase in milk production due to the program of the National Administration to increase dairy supplies; that, generally speaking, he proposes to use the aforedescribed highway for his service to and from Trinidad, but will use such county roads and private roads as may be required to reach the farms within said five-mile radius of said highway, to pick up milk and deliver cans on back haul.

The operating experience and pecuniary 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 the application should be granted.

O R D E R

IT IS ORDERED:

That Mike Pecoraro, of Trinidad, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk and cream to Trinidad from farms within five miles of the following described highways:

> Beginning at Hoehne, Colorado, thence west along State Highway 204 to a point where said Highway is intersected by county road extending north from El Moro; thence south along said county road to the junction of said road with State Highway 239 in El Moro; thence westerly along said State Highway 239 to Trinidad,

with back haul of empty cans and whey.

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

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

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

That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. Y. Sherman

Edward J. Keating

Commissioners

Dated at Denver, Colorado,
this 23rd day of September, 1941

JH

(Decision No. 17708)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JACK KANEFF, RFD1, BROOMFIELD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5749-PP

Sept. 27, 1941.

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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver, Brighton and Boulse, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Jack Kaneff, Broomfield, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply

points, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver, Brighton and Boulder, Colorado.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1941.

BH

Decision No. 17709)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR GREEN, 3238 Gilpin Street,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 5750-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

Sept. 27, 1941.

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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Arthur Green, Denver, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal

from mines in the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1941.

BH

(Decision No. 17710)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ED FENIMORE, 1402 PARK STREET, CANON CITY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5751-PP

Sept. 27, 1941.

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 coal from mines in the Florence-Canon City coal fields, to Canon City, Pueblo and Westcliffe, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said application forthwith, without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Ed Fenimore, Canon City, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the Florence-Canon City coal fields to Canon City, Pueblo and Westcliffe, Colorado.

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

This order is the permit herein provided for, but it shall not

become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L D Thomas

Edward E. Dierker

Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1941.

BH

(Decision No. 17711)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARVIN E. PULVER, SALIDA, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5738-PP

Sept. 30, 1941.

Appearances: H. B. Stroup, Salida, Colorado, for applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from mine of the Colorado Fluorspar Corporation about nine miles northwest of Salida, to mill of said Fluorspar Corporation near "Brown Canyon Switch", and from said mine and mill to railroad loading point on the Denver and Rio Grande Western Railroad Company track at said Brown Canyon switch, and to Salida, with back-haul of mine supplies from said switch and Salida, to said mill and mine.

At the hearing, it developed that service sought to be performed by applicant heretofore has been furnished by one Jerry Entihar, under a Class "A" permit; that said Entihar has entered the Army and is not available for service.

No one appeared in opposition.

Mr. Stroup, manager of said Fluorspar Corporation, also stated that occasionally his company might need grinding balls from Pueblo mill of the C. F. & I. Company. Inasmuch as authority to perform said service was not mentioned in the application, we cannot authorize applicant to

perform said service in this order.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Marvin E. Pulver, Salida, Colorado, is hereby authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from mine of the Colorado Fluorspar Corporation about nine miles northwest of Salida, to mill of said Fluorspar Corporation near "Brown Canyon Switch, and ore and concentrates from said mine and mill to railroad loading point on the Denver and Rio Grande Western Railroad Company track at said Brown Canyon Switch, and to Salida, with back-haul of mine supplies from said switch and Salida to said mill and mine.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17712)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G. K. McNEIL, CEDAREDGE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5728-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

Sept. 30, 1941.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at Montrose, Colorado, on Tuesday, September 16, 1941, at 10:00 o'clock A. M., due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear.

Thereupon, the matter was taken under advisement by the Commission.

The Commission, being now fully advised in the premises, is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the instant application is hereby dismissed for lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17715)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES WRAY JONES, URAVAN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5729-PP

Sept. 30, 1941.

Appearances: Lincoln D. Coit, Esq., 124 5th St., Grand Junction, Colorado, for Rupert E. Borden.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at Montrose, Colorado, on Tuesday, September 16, 1941, at 10:30 o'clock A. M., due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear.

Thereupon, the matter was taken under advisement by the Commission.

The Commission, being now fully advised in the premises, is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the instant application is hereby dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Sherman

Edward E. Dunklee

Mac Ericson

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17714)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. L. AND A. T. ANDERSON, EDGEWATER,) APPLICATION NO. 5406-PP-B
COLORADO, FOR AN EXTENSION OF PERMIT)
NO. B-2563.)

Sept. 30, 1941.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for Grand County Transportation Company, and the Common Carrier Division of The Colorado Motor Carriers' Association;
J. H. Shepherd, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing in Denver on September 5, 1941, at 10:00 o'clock A. M., due notice of the time and place of hearing being forwarded to applicants.

Notwithstanding said notice, applicants failed to appear at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter taken under advisement.

The Commission, being now fully advised in the premises, finds that said application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the instant application is hereby dismissed for lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. M. WOODS, MONTROSE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1330 TO THOMAS W. BALDREY, MONTROSE, COLORADO.

APPLICATION NO. 5231-PP-BA

Sept. 30, 1941.

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

L. M. Woods herein seeks authority to transfer his permit No. B-1330 to Thomas W. Baldrey.

Under said permit, transferor is authorized to transport:

> Farm products, including livestock, from point to point within a radius of fifty miles of Montrose, Colorado, and farm products from points within a radius of 100 miles of Montrose, Colorado, to points within a radius of 50 miles of Montrose; and sand, gravel, logs, rough lumber, and coal, from point to point within a radius of 100 miles of Montrose, Colorado.

Attached to the application is a description of the equipment transferee proposes to use in conducting said operation, a financial statement showing net assets of $1,138.50, and two lists of customers entitled "Statement of Customers to be Served", and "Additional Customer List".

At the hearing, transferee stated that the consideration for transfer of said permit is the sum of $100.00; that if transfer is authorized, he expects to serve the customers listed with the Commission; that he is pecuniarily and otherwise qualified and able to carry on the proposed operation.

The matter was taken under advisement.

After careful consideration of the record, the Commission finds

that transfer should be authorized.

O R D E R

IT IS ORDERED:

That L. M. Woods, Montrose, Colorado, is hereby authorized to transfer Private Carrier Permit No. B-1530 to Thomas W. Baldrey, of Montrose, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17716)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF SYLVESTER MC CARTY, HOTCHKISS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5727-PP

Sept. 30, 1941.

Appearances: Sylvester McCarty, Hotchkiss, Colorado, pro se.

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, including livestock, between points within the area embraced in the so-called "Redlands Mesa and Rogers Mesa"; milk and cream from points in said area, and farms along State Highway No. 22, to Hotchkiss, Colorado; farm produce, including livestock, from points in said area to Hotchkiss, Paonia, Bowie, Somerset and Delta, with back-haul of coal to farms in said area.

No one appeared in opposition to granting the authority sought.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Sylvester McCarty, Hotchkiss, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, including livestock, between points within area embraced in so-called "Redlands Mesa and Rogers Mesa"; milk and cream from points in said area and farms along State Highway No. 22, to Hotchkiss, Colorado; farm produce, including livestock, from points in said area to

Hotchkiss, Paonia, Bowie, Somerset and Delta, with back-haul of coal to farms in said area.

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

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

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17717)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BERT N. CRAWFORD, PAONIA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 5731-PP

Sept. 30, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert F. Tyler, Esq., representing applicant, requesting that the above-styled application be dismissed.

The Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That the instant application hereby is dismissed, upon request of applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17718)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
John Hankins) PERMIT NO. C-11967
)
)

Septl 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Hankins of 19 Elati, Denver, Colorado, requesting that his Permit No. C-11967 be cancelled.

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 Permit No. C-11967, heretofore issued to John Hankins be, and the same is hereby, declared cancelled effective, as of August 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Newman

Edward D. Knowles

Walter Sirman

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 19 41.

G

(Decision No. 17719)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. W. Moran) PERMIT NO. C-11269
)
)

Sept. 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. W. Moran of Wager Rt., Yuma, Colorado, requesting that his Permit No. C-11269 be cancelled.

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 Permit No. C-11269, heretofore issued to W. W. Moran be, and the same is hereby, declared cancelled effective as of September 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thurman

Edward V. Carlson

Grace Ericson

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1941.

G

(Decision No. 17720)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
William Payne)
)
)

PERMIT NO. C-1102

Sept. 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from William Payne of Clifton, Colorado, requesting that his Permit No. C-1102 be cancelled.

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 Permit No. C-1102, heretofore issued to William Payne be, and the same is hereby, declared cancelled effective, as of September 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Newman

Edward E. Bowles

Mrs. Ginsan

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1941.

G

(Decision No. 17721)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
George Buchholz)
)
) PERMIT NO. C-13077

Sept. 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Buchholz of 31 Fox, Denver, Colorado, requesting that his Permit No. C-13077 be cancelled.

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 Permit No. C-13077, heretofore issued to George Buchholz be, and the same is hereby, declared cancelled effective as of September 19, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V O Thurman

Edward V. Chavez

Walter Evison

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 19 41

G

(Decision No. 17722)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Sydal Produce Co) PERMIT NO. C-1936
)
)

Sept. 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sydal Produce Co of 111 So. Cascade, Colo. Spgs., Colo requesting that his Permit No. C-1936 be cancelled.

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 Permit No. C-1936, heretofore issued to Sydal Produce Co. be, and the same is hereby, declared cancelled effective, as of September 22, 1941

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V O Thurman

Edward E. Conder

Walter Ericson

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 19 41.

G

(Decision No. 17723)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Sam Dardino) PERMIT NO. C-13122
)
)

Sept. 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sam Dardino of 710 N. Evans, Denver, Colorado, requesting that his Permit No. C-13122 be cancelled.

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 Permit No. C-13122, heretofore issued to Sam Dardino be, and the same is hereby, declared cancelled effective, as of September 23, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 19 41.

G

(Decision No. 17724)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Albert Mishash) PERMIT NO. C-12805 & B Appl.
)
)
)

Sept. 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Albert Mishash of Motor Rt A, Avondale, Colo, requesting that his Permit No. C-12805 & B Appl. be cancelled.

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 Permit No. C-12805 B Appl &, heretofore issued to Albert Mishash be, and the same is hereby, declared cancelled effective , as of September 24, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I T O Thomas

Edward D. Hansel

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 19 41

G

(Decision No. 17725)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF LOUISE B. HAMMOND, DOING BUSINESS AS HAMMOND AUTO LIVERY, COLORADO SPRINGS, COLORADO.

P. U. C. NO. 696

Sept. 30, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named certificate holder, requesting that her certificate No. 696 be suspended on account of illness.

The Commission finds that said Certificate No. 696 should be suspended for the period July 9, 1941, to June 1, 1942.

O R D E R

IT IS ORDERED:

That Louise B. Hammond, doing business as Hammond Auto Livery, be, and she is hereby, permitted to suspend operations under P.U.C. 696 for the period July 9, 1941, to June 1, 1942.

That unless Louise B. Hammond, doing business as Hammond Auto Livery, shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY E. FLOWERS, COLLBRAN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5730-PP

Sept. 30, 1941.

Appearances: Cecil S. Haynie, Esq., 208 Electric Building, Grand Junction, Colorado, for the applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

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, farm machinery, household goods and livestock, between points within a radius of twenty-five miles of Collbran, Colorado, and the transportation of said commodities to and from points in said area, from and to that part of Mesa County lying west of a line drawn north and south through the west city limits of said town of Mesa.

Applicant stated that for-hire transportation service available in said Collbran area, and from and to points in said area, to and from points in that part of Mesa County lying west of Mesa, Colorado, for the transportation of farm products, livestock, farm machinery and household goods, is very unsatisfactory; that there is considerable demand for the movement of livestock, especially the transportation of lambs to and from range and to railroad loading points; that livestock, including sheep, ordinarily is loaded at Silt; that considerable beets, grain, and other farm products are raised in said Collbran area, and said products must be moved by truck.

Fred Wallace and E. W. Biedrock, neighbors of applicant, were present to testify in support thereof. No one appeared in opposition.

The operating experience and pecuniary responsibility of Applicant were established to the satisfaction of the Commission.

The matter was taken under advisement.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Harry E. Flowers, Collbran, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, farm machinery, household goods and live-stock, between points within a radius of twenty-five miles of Collbran, Colorado, and the transportation of said commodities to and from points in said area from and to that part of Mesa County lying west of a line drawn north and south through the west city limits of said Town of Mesa.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed necessary.

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Sherman

Edward V. Carroll

Mrs. Ellis

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17727)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
E. C. POUND, GRAND JUNCTION, COLORADO,) APPLICATION NO. 4998-PP-B
FOR AN EXTENSION OF PERMIT NO. B-2390.)

Sept. 30, 1941.

Appearances: Wayne Aspinall, Esq., Grand Junction, Colorado, for the applicant.

S T A T E M E N T

By the Commission:

By Decision No. 13547, dated May 20, 1939, E. C. Pound was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> "Livestock and farm produce from point to point within Mesa County, excluding service from or to the area located within a ten-mile radius of DeBeque, Colorado, with the right to transport said livestock and farm produce from his authorized pickup area to and from points not exceeding fifty miles from Grand Junction, Colorado."

Applicant now seeks to extend his authority under said permit to include the right to transport livestock and farm produce from point to point within Mesa County, excluding any service from or to the area located within a ten-mile radius of DeBeque, with the right to transport said livestock and farm produce from and to his said ten-mile pickup area, to and from points within a radius of 100 miles of Grand Junction, Colorado; also, empty cans from Grand Junction to Appleton, Colorado, and canned fruit from Appleton to railroad loading points in Grand Junction for the Grand Valley Canning Company, only.

No one appeared in opposition to the granting of the extension sought.

The operating experience and pecuniary responsibility of

applicant were established to the satisfaction of the Commission.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That E. C. Pound, Grand Junction, Colorado, is hereby authorized to extend his operations under Permit No. B-2390 to include the right to transport livestock and farm produce from point to point within Mesa County, except service from or to the area located within a ten-mile radius of DeBeque, with the right to transport said livestock and farm produce from and to points within his said ~~ten-mile~~ (SP) pickup area, to and from points within a radius of one hundred miles of Grand Junction, Colorado; also, empty cans from Grand Junction to Appleton, Colorado, and canned fruit from Appleton to railroad loading points in Grand Junction for the Grand Valley Canning Company, only.

This order is made a part of the permit granted to applicant and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17728)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CONARD SMITH, PALISADE, COLORADO,)
FOR AUTHORITY TO TRANSFER AUTHORITY) APPLICATION NO. 5553-PP-A
AS GRANTED IN DECISION NO. 16758 TO)
MARSHALL L. WILLIAMS, GRAND JUNCTION,)
COLORADO.)

Sept. 30, 1941.

S T A T E M E N T

By the Commission:

Conard Smith, who is authorized by Decision No. 16758, dated March 4, 1941, to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> General freight and merchandise for Montgomery Ward and Company, of Grand Junction, only, between points within a five-mile radius of Grand Junction, Colorado, and between points within a five-mile radius of Palisade, and between points within a five-mile radius of Mack, and between points within a five-mile radius of Whitewater; between points within an area of five miles on either side and running parallel to U.S. 50 from Grand Junction to Whitewater; between points within an area of five miles on either side and running parallel to U. S. 6 and 50 from Grand Junction to Mack, and between points within an area of five miles on either side and running parallel to U. S. 6 and 24 from Grand Junction to Palisade, Colorado,

herein seeks authority to transfer said permit to Marshall L. Williams, Route 3, Grand Junction, Colorado.

Said application was duly set for hearing at Grand Junction, Colorado, on Wednesday, September 17, 1941, at 9:30 o'clock A. M., due notice of the time and place of hearing being given to applicants.

Notwithstanding said notice, applicants failed to appear.

Thereupon, the files were made part of the record and said matter was taken under advisement.

The Commission, being now fully advised in the premises, finds that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Conard Smith, Palisade, Colorado, is hereby authorized to transfer the authority granted him by Decision No. 16758 to Marshall L. Williams, Grand Junction, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17729)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF THE MONTROSE FLOUR MILLING COMPANY, A CORPORATION, MONTROSE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-381 TO SAM ALBRIGHT, MONTROSE, COLORADO.

APPLICATION NO. 4750-PP-AA

Sept. 30, 1941.

Appearances: Moynihan, Hughes and Sherman, Esqs., Montrose, Colorado, for the applicant.

S T A T E M E N T

By the Commission:

The Montrose Flour Milling Company, a corporation, herein seeks authority to transfer private carrier permit No. A-381 to Sam Albright.

At the hearing, it developed that Albright has been engaged in trucking for a period of approximately twenty years; that copy of Montrose Flour Milling Company's customer list was attached to the application; that if said transfer is authorized, transferee intends to take over the contracts of said Montrose Flour Milling Company, and to serve the same customers.

It further appeared that transferee paid the sum of $300.00 for said permit; that he is pecuniarily, and otherwise, able to carry on the proposed operation.

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

O R D E R

IT IS ORDERED:

That the Montrose Flour Milling Company, a corporation, Montrose Colorado, is hereby authorized to transfer Private Carrier Permit No. A-381 to Sam Albright, Montrose, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17730)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LELAND GOOD, LAMAR, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	))))	APPLICATION NO. 5618 (Supplemental order)

Sept. 30, 1941.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
H. B. Reynolds, Amarillo, Texas, for North Plains Freight Lines;
J. D. Green, Fowler, Colorado, pro se;
Bertie Towers, Burlington, Colorado, pro se;
G. Barnhill, Ramah, Colorado, pro se;
Van Goodwin, Flagler, Colorado, pro se;
John S. Hixon, Holly, Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 5, 1941, the Commission entered its order and decision, No. 17438, in the above-styled matter, granting a certificate of public convenience and necessity to Leland Good, Lamar, Colorado.

At the hearing on said application, Mr. Hixon stated, in effect, that he did not object to the granting of certificate of Good for the transportation of livestock in the same territory he was authorized to serve as a Class "B" carrier.

The Commission intended to grant him such authority, and that part of said order included in parenthesis, beginning with the word

"excepting" in the seventeenth line of the order on Page 7, and ending with the word "Hixon" in the nineteenth line of said order, should have read: "(excepting therefrom such portions of said area as are included in the territory served by J. D. Green, and that part of the area served by John Hixon which was not served by said Good under his private carrier permit aforesaid)."

After careful consideration of the record, the Commission is of the opinion, and finds, that said order and decision No. 17438, of date August 5, 1941, should be amended to conform with the order contemplated by the Commission.

O R D E R

IT IS ORDERED:

That said order and decision No. 17438, be amended by striking therefrom the language included in parenthesis, beginning with the word "excepting" in the seventeenth line of the order on Page 7, and ending with the word "Hixon" in the nineteenth line of said order, and substituting in lieu thereof the following language:

> "(excepting therefrom such portions of said area as are included in the territory served by J. D. Green, and that part of the area served by John Hixon which was not served by said Good under his private carrier permit, aforesaid.)"

That in all other respects, said Decision No. 17438 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17731)

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 CARRIERS.) CASE NO. 1585

September 26, 1941.

S T A T E M E N T

By the Commission:

On February 5, 1936, and various subsequent dates, the Commission entered its orders prescribing rates, rules, regulations and classification for the transportation of freight by motor vehicle common carriers, and private carriers by motor vehicle competing with such common carriers, which orders became effective on April 1, 1936, and various subsequent dates.

The Commission is now in receipt of petitions from the Motor Truck Common Carriers Association, Inc., and the Denver-Limon-Burlington Transfer Company, requesting the following changes:

For account of The Denver-Limon-Burlington Transfer Company--To publish the following rates on milk and cream in cents per five (5) gallon can. To Denver, Colo. from Hugo, Flagler, 18; Seibert, 19; Stratton, Burlington, 20; Limon, no rate shown.

From the Motor Truck Common Carriers Association, for account of the Faus Transportation Company--To cancel the following item and rates, viz.:

Item No.	Commodity	From	To	Rates in Cents per 100 Pounds
	Lumber and lumber dealers'		Colo.	
	supplies, viz.: doors; sash		San Luis,	28
	(window or door); building	Pueblo,	San Acacio	30
66	paper; Steel or wire cloth;	Colo.	Alamosa	30
	metal lath; corrugated		Monte Vista	31
	sheet iron; corner bead;		Del Norte	37
	building hardware; hinges;		Center	37
	nails; paint; plaster		La Jara	31
	board; ridge-roll; pre-		Manassa	37
	pared roofing; roofing		Antonito	37
	(Cont'd on next page)			

Item No.	Commodity	From	To	Rates in Cents per 100 Pounds
66 (cont'd)	cement; plywood; beaver board; fireplace linings; putty; wood or woven wire fencing; barbed wire; window glass, other than plate glass not bent; cement; lime; plaster, in straight or mixed shipments, minimum weight 20,000 pounds.			

For account of The Rocky Mountain Parks Transportation Company--To publish an exception to the Classification and provide a third class rating on milk and cream, fresh, in cans, bottles or other approved containers, between points on the line of said Rocky Mountain Parks Transportation Company; empty containers to be returned free.

For account of the Rio Grande Motor Way, Inc.--To publish a rating of 2 1/2 x column 1 on Row Boats, any quantity, and column 2 rating on Safety Fuse.

For account of the Southwestern Transportation Company--To Publish a rate of 20 cents per 100 pounds on canned goods from Canon City, Colo., to Denver and Colorado Springs, Colorado, minimum weight 20,000 pounds.

For account of The Colorado Rapid Transit Co. and Edward C. Mason, d.b.a. Overland Motor Express Co.--To publish a minimum charge of 50 cents per shipment except trunks containing clothing and/or personal effects, between Denver, Colo., and Boulder, Broomfield, Louisville, Lafayette, Erie, Frederick, Firestone, Dacono, Hudson, Keenesburg, Eldorado Springs and Valmont, Colorado.

The minimum charge on trunks containing clothing and/or personal effects shall be $1.00 per shipment between the above named points.

Under all of the circumstances and conditions set forth in the petitions, the Commission is of the opinion, and so finds, that a

further hearing should be had on the matters and things hereinbefore set forth, and that all interested parties should be prepared to testify at said further hearing in order that the Commission may have the benefit of the views of all concerned relative to these matters and things.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, reopened for further hearing before the Commission at 10 o'clock A.M., on the 14th day of October, 1941, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for taking of evidence concerning the matters hereinbefore set forth in our statement and findings, at which time and place all interested parties may appear and be heard.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of September, 1941.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL B. ENGEL, CASTLE ROCK, COLORADO, FOR AUTHORITY TO TRANSFER PRIVATE CARRIER PERMIT NO. A-1366 TO J. L. HAMMOND, LARKSPUR, COLORADO.

APPLICATION NO. 2835-PP-A

Sept. 30, 1941.

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

On February 5, 1936, by Decision No. 7159, Earl B. Engel was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

> Milk and dairy products over a route within the following described area, to-wit: Beginning at a point on Highway U. S. 85 one mile north of Larkspur, Colorado, thence east seven miles to the southeast corner of Section 21, Township 9 South, Range 66 West, thence north nine miles to the southeast corner of Section 4, Township 8 South, Range 66 West, thence west to Castle Rock, thence south along U. S. Highway 85 to the place of beginning, to Larkspur, Colorado, with a back-haul of small lots of feed and grain only to milk customers.

He now seeks authority to transfer said permit to J. L. Hammond, Larkspur, Colorado.

The matter was set for hearing at the State Office Building, Denver, Colorado, on September 5, 1941, at 10:00 o'clock A. M., due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear. Thereupon, protestants moved that said application be dismissed for lack of prosecution.

Thereupon, the files and records in said Applications Nos. 2855-PP and 2855-PP-A were made a part of the record and the matter was taken under advisement.

The Commission, being now fully advised in the premises, finds that the motion to dismiss should be denied, and that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Earl B. Engel, Castle Rock, Colorado, is hereby authorized to transfer Private Carrier Permit No. A-1366 to J. L. Hammond, Larkspur, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17733)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
C. J. SCHULER AND C. F. LOEBNITZ,)
DOING BUSINESS AS TELLURIDE TRANSFER) APPLICATION NO. 564-BB-BB
COMPANY, FOR AN EXTENSION OF)
CERTIFICATE NO. 60.)

Sept. 30, 1941.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicants;
E. B. Adams, Esq., Grand Junction, Colorado, for Arthur Peterson;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

C. J. Schuler and C. F. Loebnitz, co-partners, doing business as Telluride Transfer Company, are authorized to operate as common carriers by motor vehicle for hire for the transportation of:

> (1) freight, generally, excepting ore and concentrates, on schedule, from and to Grand Junction, Montrose and Delta, to and from Fall Creek and Telluride and points intermediate, Fall Creek to Telluride, without the right to serve locally between Grand Junction and Placerville, and (2) freight, generally, between points along the highway beginning at junction of State Highway 62 and 145 at Old Placerville to the City of Telluride, with the right to serve all points intermediate on said State Highway No. 145 between said points, without the right to serve Placerville; (3) and the right to operate an irregular service, on call and demand, by motor vehicle, for the transportation of high grade concentrates in truckload lots from Telluride to Leadville (occasionally); (4) freight on call and demand from point to point within a radius of fifty miles of Telluride, Colorado, and from and to points within said radius to and from points in the State of Colorado, without the right to transport freight, except used household goods and used mining machinery, between towns in competition with Rio Grande Motor Way, Inc., or Theobold Truck Line, or any other established line haul common

carrier, and no service to be rendered in competition with the established rights of Peterson Truck Line, of Telluride, C. E. Deering, of Silverton, Fellin Brothers, of Ouray, and all shipments from Denver to Telluride district to be emergency shipments, only; passengers and small parcels between the City of Telluride, Colorado, and the Smuggler Mine and Tomboy Mine by automobile trucks during the summer months, and horse-drawn vehicles during the winter months.

Said Loebnitz and Schuler now seek an extension of their authority under their certificate of public convenience and necessity to include the right to haul general freight to the mines and mills at Old Ophir, Butterfly and Matterhorn from the depot at Ophir Loop, Colorado, and ores and concentrates from said mines and the mills at Old Ophir, Butterfly and Matterhorn and Rico, to said railroad depot at Old Ophir, the last-mentioned service to Rico being sought by amendment to application asked and granted at the hearing, subject to objection from Rio Grande Southern Railway Company.

It appeared that mining activity in the Ophir and other mining areas is increasing; that ores and concentrates move to railroad terminal located at Ophir Loop; that due to so-called "war defense activity", applicants expect an increase in mining operations, and anticipate more ores to move.

Applicants are now authorized to serve said points on call and demand, but under the authority here sought, they propose to operate on schedule.

Apparently, they were contemplating, at the time of filing the application, an operation on schedule between Telluride, Ophir, Old Ophir, Matterhorn, Rico, and intermediate points. However, by stipulation with Cass M. Herrington, representing Rio Grande Southern Railroad Company, they agreed to limit their service as heretofore set out, with addition of Rico, if Mr. Herrington did not object. Since the hearing, Mr. Herrington has been contacted by the Commission and stated that he

objected; that he favored any service tending to further movement of more freight by railroad, but was opposed to any extension which would tend toward more competition with railroad.

If extension of certificate is granted, applicants intend to file tariff showing rates and schedules. They agreed that rates should be subject to approval of Arthur Peterson, of Telluride.

It further appeared that applicants have ten trucks, consisting of dumps, flats, pickups and winch-equipped beds; that they are buying a caterpillar; that equipment to be used in the operation, exclusive of garage and other facilities, is valued at $18,000 to $20,000. that Old Ophir is located about three miles northeast of Ophir, and is an off-rail point; that Matterhorn, also an off-rail point, is located about four miles south of Ophir.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended motor vehicle common carrier scheduled operations of applicants as outlined at hearing, except service to or from Rico, and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the proposed extended motor vehicle common carrier operations of applicants, on schedule, for the transportation of general freight to the mines and mills at Old Ophir, Butterfly and Matterhorn from the depot at Ophir Loop, Colorado, and ores and concentrates from said mines and mills at or near Old Ophir, Butterfly and Matterhorn to said railroad depot at Old Ophir, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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 within twenty days from date.

Applicants shall operate their carrier system according to the schedules filed except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Thurman

Edward D. Dawley

Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1941.

BH

(Decision No. 17734)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Boyce Wofford) PERMIT NO. C-10658
)
)

Sept. 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Boyce Wofford of % Mary'a House of David Hotel, Benton Harbor, Michigan requesting that his Permit No. C-10658 be cancelled.

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 Permit No. C-10658, heretofore issued to Boyce Wofford be, and the same is hereby, declared cancelled effective, as of September 22, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V O Thornton

Edward E. Davis

Malcolm Wilson

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 19 41

G

(Decision No. 17735)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
L. W. & M. W. Michael)
)
)
)

PERMIT NO. C-2510

Sept. 26, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. W. & M. W. Michael of Kendrick, Colorado, requesting that his Permit No. C-2510 be cancelled.

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 Permit No. C-2510, heretofore issued to L. W. & M. W. Michael be, and the same is hereby, declared cancelled effective, as of October 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thurman

Edmund E. Chandler

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 19 41.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF M. RAINS, OF FAIRPLAY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)))))	APPLICATION NO. 5631-PP

October 1, 1941.

Appearances: M. Rains, Fairplay, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
Marion F. Jones, Esq., Denver, Colorado, for South Park Motor Lines;
E. W. Gately Motor Company.

S T A T E M E N T

By the Commission:

On July 17, 1941, Decision No. 17585, the Commission entered its order granting certain operating rights to applicant and denying others. Thereafter, request was made for rehearing, and by order dated August 14, 1941, Decision No. 17478, a rehearing was granted.

Subsequent to the entry of said order, the Commission received a written communication from John P. Beck, attorney for applicant, stating that applicant desires to withdraw his petition for rehearing.

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

O R D E R

IT IS ORDERED:

That our Decision of August 14, 1941, granting a rehearing, be, and the same is hereby, set aside and held for naught.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Sherman

Edward E. Carle

Commissioners.

Dated at Denver, Colorado,
this 1st day of October, 1941.

BH

(Decision No. 17737)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ED HAINES AND S. N. DRUM, DOING BUSINESS AS "HAINES MOTOR FREIGHT," 158 5TH STREET, DURANGO, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 5339

October 2, 1941

Appearances: Harold Newrock, Esq., Lafayette, Colorado, for the applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Raymond B. Danks, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association and Weicker Transportation Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., Denver and Rio Grande Western Railroad Company Trustees;
Conour and Conour, Esqs., Del Norte, Colorado, for Faus Transportation Company;
G. M. Herrington, Esq., Denver, Colorado, for Rio Grande Southern Railway Company;
K. Tracey Power, Denver, Colorado, for Moab Garage Company;
R. Franklin McKelvey, Esq., Durango, Colorado, for Cannon Ball Stages.

S T A T E M E N T

By the Commission:

Ed Haines and S. N. Drum, co-partners, doing business as "Haines Motor Freight," herein seek authority to operate a motor vehicle common carrier service, on schedule, for the transportation of freight, via U. S. Highways 85 and 160 from and to Denver, Colorado Springs and Pueblo, to and from Pagosa Springs, Bayfield, Durango, Mancos, Cortez, and the off-route point of Dolores, via State Highway 145 from Cortez, and off-route point of Silverton, via U. S. Highway 550 from Durango, and points between Durango and Colorado-New Mexico State Line and local service between Durango, Bayfield, Pagosa Springs, Cortez, Mancos, Dolores, Silverton, Colorado-New Mexico State Line and points intermediate thereto, which local rights they do not now enjoy as private

carriers.

Extended hearings were had in Cortez, Durango and Denver, where Weicker Transportation Company, Weicker Transfer and Storage Company, E. B. Faus, doing business as "Faus Transportation Company," Rio Grande Southern Railroad Company, Rio Grande Motor Way, Inc., The Denver and Rio Grande Western Railroad Company, by its Trustees, Moab Garage Company, and Cannon Ball Stages appeared in opposition. The matter was taken under advisement.

It appeared that applicants now are operating, and they and their predecessor in interest (Applicant Drum) have operated a for-hire truck service under private (contract) carrier authority from this Commission between Denver and Durango, Pagosa Springs, Bayfield, Mancos, Cortez, and some other points along said route, for many years.

Weicker-Faus-Rio Grande Motor Way, Inc., operate as motor vehicle carriers, under a certificate, between Denver and Cortez and intermediate points.

Rio Grande Motor Way, Inc. also operates locally from Durango south to Farmington, New Mexico, north to Silverton, west to Cortez, and east to Pagosa Springs, serving intermediate points along said routes.

The Denver and Rio Grande Railroad Company furnishes rail service, Denver to Durango, via Alamosa, and in conjunction with its subsidiary, Rio Grande Motor Way, Inc., furnishes a coordinated rail-highway freight service, by means of trailer-flat car arrangement out of Denver, with connecting service from Colorado Springs and Pueblo, serving all points in the San Luis Valley and San Juan Basin to, and including, Cortez. Through motor service and a combination rail and motor service also is furnished by Rio Grande Motor Way, Inc., and The Denver and Rio Grande Western Railroad Company through Salida Gateway; Rio Grande Motor Way operates, when occasion requires, through mechanically refrigerated truck service from Denver, via Salida, to points in the San Juan Basin. Rio Grande Southern Railway Company furnishes freight service via rail, Durango to Mancos and Dolores and intermediate

points, freight for Cortez being left at Mancos. Moab Garage Company, a common carrier by motor vehicle, successor to Barker Truck Line, operates in intrastate and interstate commerce, hauling freight between Durango and points west in Utah, along U. S. Highway 160, serving intrastate Dolores (off-route) and intermediate points, Dolores to State Line. Cannon Ball Stages, a common carrier by motor vehicle, operating between Durango, Mancos, Cortez and Dolores, and intermediate points, handles passengers, mail, newspapers, baggage and express on its busses.

Distances, by highway, from Denver, Colorado, are:

Pagosa Springs	329 Miles
Bayfield	413 "
Durango	392 "
Mancos	422 "
Cortez	440 "
Dolores	442 "
Silverton	445 " (via Durango)

The approximate populations of said towns, not including trade areas, are:

Pagosa Springs	1,600
Bayfield	375
Durango	6,000
Mancos	750
Cortez	1,800
Dolores	800
Silverton	1,100

Applicants contended that facilities and service of carriers presently serving, other than themselves, are inadequate; that applicants' present and proposed service is faster and better designed to meet the requirements of customers in the San Juan Basin than service of other authorized carriers, they furnishing the only over-night through economically operated service (including mechanically refrigerated units), Denver to Durango and intermediate points with twenty-four-hour service, Denver to Mancos and Cortez; that applicants are well qualified, and pecuniarily able to conduct the operation; that territory sought to be served, especially the area around Cortez, Mancos and Dolores, is growing rapidly, and needs more common carrier service; that portions of the area are served by contract carriers,

and said service is not desirable; that applicants' present operations are, or at least closely approximate, those of a common carrier; that said operations may be unlawful, and applicants may be required to desist, customers thereby being deprived of excellent and indispensable service; that they have been conducting their business without injuring the common carrier service, or at least the common carrier service has not been forced out of business, and probably still is being operated at a profit; that unless it can be shown that common carriers are operating at a loss, an additional certificate should issue.

Protestant motor carriers aver that their service is designed to, and does, care for the needs of the public, as a whole, along their routes; that they operate over-night through service, with mechanical refrigeration, from Denver to Durango and points intermediate thereto, furnishing twenty-four-hour refrigerated service, when required, to Cortez and points intermediate, Durango to Cortez, out of Denver; that said service is wholly adequate, and if, in any particulars, in the opinion of the Commission, it is inadequate as to schedules maintained, or otherwise, they are prepared to, and will, comply with any order of the Commission made with respect thereto; that the establishment of applicants' proposed service in competition with protestants' service would impair the service of all protestants, individually and collectively, and would injuriously affect and unduly interfere with their revenues, business and ability to adequately serve the public, contrary to the public interest, and that the public convenience and necessity do not now, and will not in the future, require establishment and operation of applicants' proposed service; that while applicants are experienced operators, and probably are pecuniarily able to continue operation, their capital and experience have been obtained by ostensibly serving the public as private carriers, while, in fact, they have been operating as common carriers, and now, having thereby brought about a demand for their service, claim that public convenience and necessity require a continuation of their unlawful

operations, and a certificate should be granted as a reward for their wrong doing, in order that they may continue their operation, now unlawful, lawfully; that it is true territory is growing, but protestants, long in service, should be allowed to enlarge and develop their operations to meet said growth.

This is not the first time applicants have urged their claim. In 1936, applicant S. N. Drum was one of a number of unsuccessful applicants seeking the certificate which was granted to Weicker-Faus-Rio Grande Motor Way, Inc. (Decision 7652). In 1939, the present applicants sought, but were denied, a certificate to serve the same territory (Decisions Nos. 13797 and 13997.) Protestants here contend that conditions then and now existing are the same, except one private carrier then serving and furnishing faster service than applicants or protestants was compelled to quit, on account of lack of business; that showing made by applicants herein substantially is the same as that made therein; that said Decisions Nos. 13797 and 13997 are controlling, and the instant application should be denied.

Numerous witnesses residing in Cortez, Mancos, Durango, Pagosa Springs, Denver, and other points involved, testified. Representatives of the parties described the services furnished by the respective operators.

The testimony of Mr. Haines, for applicants, presented substantially the same picture of his operation and of competitors' operations, that he presented at former hearing on Application No. 5028, Decisions Nos. 13797 and 13997, disposing thereof (which are made a part hereof, by reference), were made part of the record herein. He stated, that since the hearing on said application, "Denver-Durango Truck Line," discontinued business; that less railroad service is being provided, freight being handled by Motor Way; that his business has increased; that he has added equipment; that under the schedules contemplated, they will leave Denver at 7:00 P.M., arriving Colorado Springs at 9:30 P.M., Pueblo at 10:30 P.M., Pagosa Springs at 8:30 A.M., Bayfield at 10:00 A.M., Durango at 11:00 A.M., Hesperus at 12:00 Noon, Mancos at 12:30 P.M., Cortez at 1:30 P.M., Dolores at 3:00 P.M.; that trucks will operate through to Durango, with

through service on truckloads to points beyond; that Weicker-Faus-Motor Way trailer service is not as speedy, arriving in Durango an hour or more later than his trucks, with interchange at Durango for Cortez, Mancos and other points west of Durango, to its line formerly operated by Wood and Morgan, which ordinarily leaves before arrival of Motor Way truck, which means next day delivery, while he arranges for same day delivery at said points. A considerable part of his testimony, direct and cross, was devoted to the exact arrival time of his trucks and Motor Way trucks in Durango and other points. He conceded that their trucks may, on occasions, not arrive on schedule. They have docking facilities in Denver, Colorado Springs, Pueblo, Pagosa Springs, Durango and Cortez. They have pick-up and delivery service in Denver, Pagosa Springs, Bayfield, Durango and Cortez, and delivery from line haul truck at other points. They have some demand for back-haul service for movement of farm products out of the San Juan Basin. Witness stated that it positively would not be economically feasible to operate a truck line from Denver, Colorado Springs and Pueblo to any less territory than that which applicants are seeking. He stated that business had been steadily increasing; that, from the period January 1 to December 31, 1939, they had added about four hundred customers.

A great number of the witnesses who testified for protestants testified at the former hearing on Application No. 5028. They then, and in the instant hearing, almost unanimously, agreed that service they were receiving from Haines, Motor Way, and other carriers, was satisfactory. Some of them like applicants' service better than Weicker-Faus-Motor Way service, because the trucks usually arrived at Pagosa Springs, Bayfield and Durango earlier than Weicker-Faus-Motor Way trucks, and Cortez and Mancos witnesses ordinarily were insured of twenty-four-hour service out of Denver by applicants' trucks, which took care of emergency shipments. They want twenty-four-hour service, because it enables them

to operate with small stocks.

Applicants' witnesses thought that their private carrier service was efficient and adequate, and comparable with, or superior to, common carrier service. Some of them stated that loss claims, few in number, were promptly and satisfactorily adjusted; that they needed no other or different service. Apparently, applicants serve most and, in some towns, practically all, of the merchants. A large number of these stated that they did not have contracts with applicants for service. It appeared that Haines hauled twice as much freight as Motor Way for approximately one thousand customers. Louis C. Hopper, Haines Motor Freight Agent at Pagosa Springs, stated that he actively and competitively solicited freight from the public, generally. A number of witnesses, in substance, stated that their testimony at former Haines hearing in Application No. 5028 was the same as that given in the instant hearing -- that needs and service then and now are the same. Some witnesses testified about local service from Durango to Pagosa Springs and Bayfield. They thought a morning schedule would be desirable. Other witnesses also testified about Haines' good service, and wanted an earlier schedule for Durango shipments to Cortez, Mancos and Hesperus. It also appeared that the needs of a number of them, for the most part, were satisfied by shipper-owned trucks.

A. J. Bauman, for Armour and Company, would like daily refrigerated service to Silverton. Haines handles Armour's products to the San Juan Basin, but not to Silverton. He stated that contract carriage lends itself better to the needs of Armour's business than common carrier service, but was afraid Haines' service might be discontinued; that his chief purpose in supporting the Haines application is to insure a competitive situation in the transportation field, although service now received is adequate; that Armour had tried Motor Way's service prior to the time that mechanically refrigerated service was instituted by it, and service had not been satisfactory. It developed that Armour's

principal competitor, Swift and Company, shipped by rail, apparently satisfactorily, until Motor Way instituted mechanically refrigerated service, and Nuckolls operates a peddler truck.

A. F. Harper, of Dolores, stated that any twenty-four-hour service from Denver was good; that Haines or the railroad sometimes consume five or six days to handle shipments out of Denver, although Haines' service is satisfactory; that there is very little business at Dolores, and he believes that neither railroad nor truck line could pay if it had all the business; that, nevertheless, the public needs both services. Other merchant witnesses from Dolores wanted twenty-four-hour service.

John H. Bauer, a Mancos grocer, applicants' witness, stated that he had been getting his freight out of Durango by Rio Grande Southern; that he ordered any time before noon, and he gets it in the evening; that service is satisfactory, except for transportation of meat, which he now is getting by Rio Grande mechanically refrigerated meat service.

Joseph Peconic, applicants' witness from Mancos, stated that his meats were handled by Rio Grande Southern; that Haines' refrigerated service was not necessary.

T. E. Roussin, of Cortez, service station operator, stated that he was then getting satisfactory service from Motor Way — one day better than former service; that he was satisfied with any service that furnished next afternoon delivery out of Denver.

J. H. Pruner, of Cortez, a garage proprietor, stated that Cannon Ball Stages was furnishing satisfactory service out of Durango.

Robert Gilcrest, of Durango, wants twice-a-day-service to Cortez. He added that service to all other points out of Durango was satisfactory.

Richard S. Ball, of Durango, stated that he was testifying for Haines because Haines told him that they were trying to take away his "A" permit; that next-day delivery from Denver truck service is necessary; that an hour or two more or less in time is unimportant.

Richard L. Gallavan, wholesale fruit dealer in Durango, and C. H. Baird, Coca Cola Bottler of Durango, would like morning service to Pagosa Springs. Alva R. Jones, a baker at Durango, and Max Mickey, a merchant of Pagosa Springs, thought 11:00 A.M. service to Pagosa Springs might be more convenient, or help some. Mickey stated that, in his opinion, both services were satisfactory; that Motor Way, since last hearing, had made an honest effort to give good service.

Representatives of Morey Mercantile Company and Durango Mercantile Company, the two largest wholesale concerns in Durango, witnesses for protestant, stated that they could not get orders ready for a morning service to Silverton, Cortez, Mancos or Pagosa Springs out of Durango. The Durango Mercantile Company's witness added that he had no complaints about Motor Way's service to Durango.

It also developed that parcel post and express service is furnished in and out of Durango by Motor Way Bus; that drugs and parts arrive from Denver and points east before noon; that bread goes by bus from Durango to Bayfield; that Graden Mercantile and Bread Company also operate their own trucks to Bayfield and other points out of Durango.

James Kinney, Agent for Motor Way at Pagosa Springs, stated that he was Agent for Motor Way at Durango when Motor Way was operating a morning truck; that merchants were unable to get orders ready, and did not like it. Therefore, truck was discontinued, afternoon service out of Durango now being furnished; that he never has received any requests for morning schedule.

Frank Barker, a protestant, described his (now Moab Garage) operation, Durango to Dolores, continuing to Utah State Line. Truck leaves Durango between 9:00 A.M. and 9:30 A.M. five days per week, arriving Dolores at noon. He stated that there is not sufficient business to justify two certificates in the territory; that if another operator took part of his freight, he would operate at a loss; that he connects at Durango with Rio Grande Motor Way, and handles Denver and Pueblo freight on through rates; that said service is adequate to care for the needs of Dolores and other points; that freight out of Denver is delivered the second day, about noon; that Haines also operates to Durango, and Rio Grande Southern furnishes l.c.l. and carload rail freight service;

that his tonnage amounts to thirty-five thousand pounds per month; that he could handle two hundred forty thousand pounds per month.

Cecil Thompson, Assistant Secretary of Moab Garage Company, stated that his concern had recently taken over Barker operations; that it is able, financially, to care for public needs; that it effects joint interline arrangements with connecting carriers, and has such arrangement at Price, Utah, and Grand Junction, Colorado; that it intends to interchange with Motor Way at Durango; that schedules will be determined after consultation with connecting carriers at Durango.

M. B. Stone, owner of Cannon Ball Stage Lines, described his operation, Durango to Cortez and Dolores and intermediate points, which leaves Durango at 8:00 A.M., arriving Cortez about 9:45 A.M., and Dolores about 11:00 A.M.; that he handles a large quantity of small packages and express, including ice cream and packers weighing one hundred twenty-five pounds, laundry weighing up to two hundred forty pounds, and numerous packages of seventy-five and eighty pounds; also some express packages brought into Durango by Motor Way Bus the afternoon preceding.

Management witnesses testified about the Weicker-Faus-Motor Way interchange through trailer service, Denver to Durango, the Motor Way truck service including refrigerated equipment, Denver to Durango, Cortez and Mancos, via Salida, the railroad service, and service to be furnished by Motor Way between Durango and Cortez and intermediate points in lieu of Wood and Morgan operation, which it had just acquired.

Service, except for some improvements, is the same as at the time of hearing on Application No. 5028. Coordinated rail and motor service is still maintained; trailer service still is maintained between Denver and Durango, via Alamosa, intermediate points being served. Trailers also are loaded in Denver, fastened to flat cars, moved by rail to Salida, and then handled by Motor Way into the San Juan Basin. Meat truck is operated via Salida out of Denver, and arrives in Durango after 5:50 A.M.,

average arrival time being at 9:00 A.M. Swift and Company, which formerly was served by rail, is using the service with Durango as a hub; Motor Way operates trucks to Farmington, Cortez, Silverton, Montrose, Grand Junction, Pagosa Springs, Alamosa, Monte Vista, and points beyond. The Durango-Cortez operation was but recently acquired; trucks are scheduled to leave about 12:30 P.M.; if Denver connection arrives too late in Durango, sometimes extra trucks are run through to Cortez -- other times freight lays over until the next day. Local freight out of Durango to Cortez is twelve or fifteen times as great as interline freight. The meat truck is run through to Cortez, if volume justifies it, otherwise meat is held over, under refrigeration, until the 1:00 o'clock truck, next day. During the year preceeding, one hundred fifty thousand dollars had been expended for new equipment. Some complaints have been received about service. That is to be expected. Complaints had been adjusted satisfactorily. Their tonnage into Durango and the San Juan Basin has increased.

A. J. Fregeau, of Weicker, and E. B. Faus, of Faus Transportation Company, gave details of interchange trailer operation, which leaves Denver between 6:30 and 7:00 P.M. Additional trailers are sent, if tonnage justifies. The average load out of Denver is about seven or eight thousand pounds. The operation is barely meeting expenses. Service is adequate, and could not be continued if business were lost to the applicants, except by burdening other parts of the line.

In addition to Emmet Gensheer, of Morey Mercantile Company, Dominic Sategna, and J. A. Meyrs, of Durango Mercantile Company, whose testimony has been mentioned, Paul Curtis, of Brecht Candy Company, W. J. Eels, of Radio and Appliance Distributing Company, John A. Simones, of Colorado Casket Company, A. M. Hayes, of Hendrie and Bolthoff, G. V. Porter, of Lumber Dealers' Supply Company, Lester R. Rein, of

Clinton and Held, J. H. Newell, Jr., of McKesson and Robbins, Noel B. Raile, of Baldwin Piano Company, Herman Schlager, of Western Novelty Company, J. R. Miller, of Curtain Brothers, Jacob Stenkel, of Western Spring Service, all shippers of substantial amounts of freight from Denver, testified that their respective companies use the Weicker interline service or the railroad, or both; that they had received no complaints; that the service is dependable and satisfactory. Mr. Eels, Mr. Porter, Mr. Newell and Mr. Miller also had used the Haines service, and stated that it was satisfactory. On the other hand, Mr. Lyon stated that he had used the Haines service quite frequently until several years ago, but, receiving better service from Weicker, had discontinued Haines' service.

At the conclusion of the testimony, protestants, jointly and severally, moved for a dismissal of the application, on the grounds that the evidence, as adduced by the applicants, and the amendment of their application, show that conditions have not changed in the territory sought to be served, or over the routes sought to be operated by the applicants since the decision of the Commission denying the Haines-Drum application, No. 5028, Decisions Nos. 13797 and 13997; that the doctrine of res adjudicata applies to quasi judicial actions of this Commission and other administrative boards. Also, that portion of the application seeking authority to perform service between Durango and Silverton should be dismissed, because applicants' evidence failed to show a prima facie case of public convenience and necessity. The Commission sustained and allowed the motion for dismissal as to service between Durango and Silverton, and denied the balance, on the theory that "there is probably sufficient evidence showing some changed conditions to justify the Commission, as an administrative body, to proceed with the hearing."

Counsel for protestants renew the argument in the briefs, and

contend that the application should be denied, because the matters in controversy heretofore have been determined adversely to applicants. There is merit in their position. While some additional service apparently is here sought that was not asked for in Application No. 5028, still the questions involved and the testimony, for all practical purposes, are identical. There has been some improvement in Wood and Morgan's service, now operated by Motor Way. Schedule adjustments seem to approximate those required by most of the customers. An expedited mechanically refrigerated truck service has been inaugurated by Motor Way between Denver, Durango, Mancos, Cortez and intermediate points, Pagosa Springs to Cortez, via Salida, truck arriving in Durango in the morning, sometimes early. Through trailer service, via Weicker-Faus-Motor Way, through Alamosa, now seems to be the rule, said truck arriving in Durango in the afternoon, at times early enough to permit connection with Motor Way truck to Mancos and Cortez. Also, The Denver and Rio Grande Western Railroad Company and Motor Way have a rail-trailer-tractor service, via Salida, which apparently arrives in Durango earlier than the trailer service aforesaid. Nevertheless, in general, the situation is the same, and although we do not hold that the rule of res adjudicata or stare decisis applies in proceedings before us, we believe that the application could be denied on that ground, at least as to service to and from Denver. We think that the Commission is not required to examine over and over again the same questions, unless it affirmatively appears that conditions have so changed as to justify a re-examination of the questions involved. See: Decision No. 7637, in re application of Charles E. Everett, Application No. 2916-PP-A of this Commission; in re Greeley Transportation Company, PUR 1925-E, 814; re Butte-Three Forks

Passenger Bus Service, Docket MUC 283, Report and Order No. 1515, August 20, 1928, PUC Digest, Vol. 1, 518; Robinson Rensbottom Pottery Company v. New York C. & St. L. RR Co., No. 6289, October 16, 1930, PUR Digest, Vol. 3, Page 2609; Railroad Commission, et al, v. McDonald, before the Court of Civil Appeals of Texas, 60 SW (2d) 584; Cardinal Bus Lines, v. Consolidated Coach Corporation, 254 Ry. 586, 72 SW (2d), Page 7.

Also, in their brief, protestants vigorously urge that applicants' application should be denied, because applicants have been operating unlawfully; that, ostensibly, under authority of the Commission, they have been serving as private carriers, but in truth and fact, have been operating as common carriers, without lawful authority so to do. We believe that the evidence so established. In fact, applicants practically admitted that they had been operating as common carriers. Applicants professed to fear that, in view of the decision in the McKay Case, their operations, as conducted, might be stopped by the Commission; that, if they were deprived of any revenue, they would be unable to continue their excellent service. In our Decision No. 13797, which was made a part of the record herein, we mentioned that witness Drum had stated:

> "that they are afraid to purchase more equipment or to expand because, in view of the law and the rules and regulations of the Commission, and recent decisions of the Supreme Court, 'we don't know where we are,' and 'we just want assurance that we can hold what we have.'"

Yet, although we denied their application, at the hearings on the instant application, Mr. Haines testified that, since said application was denied, they had added considerable equipment and, in order to increase tonnage, they had filed extensions of, or additions to, their customer lists practically every month (the new lists perhaps including a few duplications); that, between January 1, 1939 and December 31, 1939, they had added about three hundred or four hundred customers to their already large customer lists, making a total of about one thousand customers at the time of hearing. A check of customer lists, which applicants re-

quested be made part of the record, in order to show how generally and thoroughly they served the people of the San Juan Basin, shows additions, during the year 1940, as follows:

January	82
February	131
April	123
May	60
July	212
August	120
October	173
November	149;

184 more were added during the first three months of 1941. Their customers, almost uniformly, stated that the service received from Haines, while faster, was practically identical with that furnished by common carriers, and most of them who were asked the question, stated that they did not have contracts for service with Haines. His agent at Bayfield stated that he, indiscriminately, solicited new customers actively and competitively with Motor Way.

Apparently, applicants think that some action should be, or is about to be, taken by the Commission to force them to discontinue some of their practices which the Supreme Court, in the McKay Case, disapproved, suggesting that such practices made the carrier a common carrier, instead of a private carrier, because it appeared that applicant Haines, or his agents or employees, had informed some of their customers that they were going to lose their permit, and would be unable to continue to serve them in the manner they had been serving, unless they could get a certificate. Their counsel took substantially the same position -- that is, that they must get a certificate, or be forced out of business.

In re Miller, Decision No. 12150, we again quoted with approval from Re Bodley, Decision No. 3143:

> "'It has been held not infrequently by this Commission that if the public convenience and necessity requires the extension of a certificate, the holder of the certificate should first seek and obtain an extension and not take the law into his own hands, as so many who do not have certificates are inclined to do.*** As we point out in the application of N. J. Fitzmorris, Application No. 989, Decision No. 1776, to grant a certificate to one who has flagrantly flouted the law, is to put a premium on the violation of the law which we are under oath to administer and enforce. Before the Commission would feel warranted in granting Bodley any further certif-

> icate rights, it should want the granting of such rights to be preceded by a strict observance of the law for a substantial period of time.'"

See also In Re Priest, Application No. 4468-PP, Decision No. 11712, and In Re Harpster, Application No. 1489-AAA-B, Decision No. 10643.

Moreover, this application should be denied on the merits. Witnesses, at the former hearing, agreed that the transportation service they are now receiving, whether via Weicker-Faus-Motor Way Lines, Haines Truck Line, Denver-Durango Truck Line, Barker, Wood and Morgan, or the railroad, was satisfactory. In the instant hearing, the witnesses agree that the service they are now receiving satisfies their needs. The Motor Way's service is adequate. The Weicker-Faus-Motor Way interchange trailer service between Denver and Durango is adequate. The railroad's service for commodities requiring railroad handling satisfactorily cares for the needs of those patronizing its service. There is some difference of opinion as to whether Motor Way's service could be improved by somewhat faster schedules or a morning schedule out of Durango for Pagosa Springs, or perhaps a slightly earlier schedule out of Durango for Cortez and Mancos. However, questions, in our opinion, are not serious. We believe that if there were a substantial demand for such service, Motor Way, or its predecessors, long since would have operated morning schedules out of Durango to Pagosa Springs and earlier schedules to Cortez and Mancos. On the whole, these matters are questions for exercise of managerial discretion. If arbitrarily exercised, the Commission would give relief — not by the granting of a new certificate, unless the certificate-holder refused to correct the deficiency in service, but by requiring the authorized carrier to furnish the service and schedules needed. See Re Sullivan, et al., 30 PUR (N.S.) 172; Re Hartsel (Colo. P.U.C.) Application No. 1789-BB, Decision No. 16607.

We cannot agree with some of the witnesses that unlimited competition is desirable. The whole theory of regulation and development of public utilities is to the contrary.

In Re Jaynes application, No. 3286, Decision No. 8204, we quoted,

the following quotation from a decision of the Illinois Commerce Commission in the "Chicago Universal Transfer Order:"

> "Free competition in the field of public utilities is anachronistic. The very theory of regulation depends upon a minimum of competition in favor of regulated monopolies. Competition leads to waste, duplication of investment, and duplication of service and expenses, the very condition we are here dealing with. Competition is not necessary in the field of public utilities in order to secure reasonable rates and adequate service if the regulatory body fulfills its obligation to the public."

Dean Pond, in his work on public utilities, Sec. 775 (3rd Ed.) says:

> "The prime object and real purpose of commission control is to secure adequate sustained service for the public at the least possible cost, and to protect and conserve investments already made for this purpose. Experience has demonstrated beyond any question that competition among natural monopolies is wasteful economically and results finally in insufficient and unsatisfactory service and extravagant rates. Neither the number of the individuals demanding other service nor the question of fares constitutes the entire question, but rather what the proper agency should be to furnish the best service to the public generally and continuously at the least cost. Anything which tends to cripple seriously or destroy an established system of transportation that is necessary to a community is not a convenience and necessity for the public and its introduction would be a handicap rather than a help ultimately in such a field."

Also, we do not agree with applicants that a certificate should issue because, in their opinion, present Weicker-Faus-Motor Way's joint operation, and the Motor Way's operations, are profitable ones. We repeatedly have held that is not controlling. Moreover, if applicants cannot operate a common carrier service profitably unless we include in the certificate right to serve all the territory sought, how can they contend certificate, if granted, will not adversely affect protestants' service, to the injury of the public.

On January 31, 1941, In Re Application No. 1848-BB, of Oren A. Hartsel, Decision No. 16607, we quoted, with approval, from our Decision

No. 6118, in Re Application No. 2761 of H. P. Lahs, where we said:

> "The Commission, on a number of occasions, has held that an applicant, in order to secure a certificate of public convenience and necessity, must affirmatively show that the public convenience and necessity, as distinguished from his personal desires, requires his proposed operation, and that before a certificate of public convenience and necessity will issue for an operation which will virtually parallel existing common carrier service, a clear and affirmative showing must be made that the existing transportation facilities are inadequate or unsatisfactory, and that there is no prospect of such service being made better under the orders of the Commission. Re Roy A. Newton, 9 Colo. PUC 170; S. W. Tr. Co. vs. Weicker Tr. Co. et al., 9 Colo. 447; Re Calvin L. Holcomb, Colo. PUC Decision No. 6118."

See also, in re Harpster, Decision No. 11748, In Re Southwestern Greyhound Lines, Inc., Decision No. 8739, In Re Woodlief, Decision No. 17203, and In Re Bross, Decision No. 12744. In the last-mentioned decision, we said:

> "Under the law, the needs or necessities of the carrier cannot be the controlling factor, but the question to be determined is what is necessary, so far as the public is concerned. It has always been the policy of the Commission to try and protect established common carrier service, as long as we felt that the public was receiving adequate and satisfactory service."

Protestants, perhaps, could have justly said that the Commission has not protected their common carrier rights by permitting applicants to conduct a common carrier operation under private carrier authority.

It may be true, as stated in protestants' brief, that "There is no shadow land between the contract carrier field and the common carrier." However, we might point out that subsequent to the decisions of the Supreme Court in the cases of Burbridge v. Public Utilities Commission, 9 Colo. 134, 12 Pac. (2d) 1115, and McDill v. Northeastern Motor Freight, 92 Colo. 198, 19 Pac. (2d) 304, until the decision of said court in the case of Oren L. McKay v. Public Utilities Commission, et al., 104 Colo. 402, the question of the line of demarcation between the common and private carrier was in a very unsettled and chaotic condition. Some questions may still be controversial and undetermined, but the McKay decision does promulgate certain definite distinctions which can guide, not only the Commission

but private carriers as well, as to what actually constitutes a strictly private carrier operation in Colorado, or at least direct attention to some practices that private carriers may not indulge in, without becoming common carriers for hire without authority. Protestants, themselves, could have appealed directly to the Courts for relief, by way of injunction or prosecution. But, we believe that applicants ask too much, when they request us to grant them a certificate, in order that they may continue their operations, now illegal, lawfully, to their profit, and, after all, that seems to be the prime purpose, for there is no demand from the public for additional service, or any serious complaint about service or schedule of the common carriers now serving.

Tested by the definition of the phrase "public convenience and necessity," Re Western Slope Motor Way, P.U.R. 1928-A, 321, Page 36, cited by applicants' counsel in his brief that:

> "The phrase 'public convenience and necessity' means a reasonable necessity to meet a convenience of the public, and what is reasonable, adequate service is a question of fact depending upon all the circumstances surrounding the case,"

we believe the reasonable needs and the convenience of the public are being satisfied by protesting carriers.

See also United Motor Freight Terminal, Inc., a Memphis Extension 26 MCC-814, where Division 5 of the Interstate Commerce Commission, MC-59499, denied an application for a certificate. The Commission said:

> "There is no doubt that the proposed service would be a convenience to certain shippers at Atlanta, Birmingham, Memphis, and intermediate points, but a showing of convenience is unavailing in the absence of proof that there is a substantial public demand and need for the service; that the public need cannot or will not be met as well by existing carriers; and that the proposed operation would not endanger or impair the operations of such carriers contrary to the public interest. The evidence shows that there is a large amount of tonnage moving between Memphis, on the one hand, and Birmingham and Atlanta, on the other.

This tonnage is being handled by existing carriers without serious complaint which indicates that they are rendering reasonably adequate and convenient service. They contend that the public demand has been insufficient to justify additional overnight service between Birmingham and Memphis or between Atlanta and Memphis but assert that if, and when, such demand arises, they are willing and able to meet it. The record clearly shows their ability to do so."

The Commission, after a full consideration of the record, is of the opinion, and finds, that substantially the same issues here involved were before the Commission for determination in Application No. 5028, and the record there made, and the decision of the Commission thereon, in effect, practically determined and decided the same matters herein presented; that the respective services of common carriers now serving in the territory sought to be served by applicant in through service, and locally, by rail and motor vehicle, singly or in combination, are adequate and reasonably satisfactory; that public convenience and necessity do not require the issuance of authority sought by applicants, and a grant of such authority by the Commission would not be in the public interest; that said application should be denied.

O R D E R

IT IS ORDERED:

That said application be, and it hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of October, 1941.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY WEST, DENVER, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 5666-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

October 4, 1941.

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, and John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at Denver, Colorado, on September 5, 1941, at 10:00 o'clock A. M., due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice and service theref, said applicant failed to appear at the time and place appointed for hearing. Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The files herein were made a part of the record, and the matter was taken under advisement.

The Commission, now being sufficiently advised in the premises, finds that said application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the above-styled matter should be, and it hereby is, dismissed for lack of prosecution.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of October, 1941.

BH

(Decision No. 17739)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SUBURBAN TRANSITWAYS, A CO-PARTNERSHIP, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 5745

October 4, 1941.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing in Denver, on Wednesday, the 24th day of September, 1941, at 2:00 o'clock P. M., due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice and service thereof, said applicant failed to appear at the time and place appointed for hearing.

Thereupon, the files were made a part of the record and the matter was taken under advisement.

The Commission, being now sufficiently advised in the premises, finds that said application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the above-styled application be, and it hereby is, dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thurman

Edward D. Chandler

Commissioners.

Dated at Denver, Colorado,
this 4th day of September, 1941.

BH

(Decision No. 17740)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. A. WALDRON, 228 BROADWAY, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5758-PP

October 4, 1941.

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 sand, gravel, and other material used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to road construction jobs in said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

Our records disclose that H. A. Waldron and A. C. Waldron were granted a permit, No. B-2147, for the transportation of:

> Sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area,

which said permit was revoked on the 11th day of July, 1938.

The Commission finds that said application should be granted, and permit herein granted, when issued, should bear the number "B-2147".

O R D E R

IT IS ORDERED:

That H. A. Waldron, Denver, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other material used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to road construction jobs in said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

This order is the permit herein provided for, but it shll not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

That this permit shall bear the number "B-2147".

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of October, 1941.

BH

(Decision No. 17741)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

RE MOTOR VEHICLE OPERATIONS OF LYLE MENDENHALL, IMPERIAL, NEBRASKA, PERMITS NOS. B-1506-I and C-4228.

CASE NO. 17052-Ins.

October 4, 1941.

S T A T E M E N T

By the Commission:

On September 23, 1941, the Commission revoked Permits Nos. B-1506-I and C-4228 for failure of respondent to keep on file the necessary certificate of insurance. Said order provided that same should become effective five (5) days from the date thereof.

Thereafter and prior to the effective date of said order, respondent filed the necessary insurance required by law, covering such period that no lapse of insurance exists. We have been requested to vacate said cancellation of the permits.

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

O R D E R

IT IS ORDERED:

That our order cancelling Permits Nos. B-1506-I and C-4228, dated September 23, 1941, be, and the same is hereby, set aside, and said permits reinstated as of September 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Sherman
Edward C. Knowles
Malcolm Wilson
Commissioners.

Dated at Denver, Colorado,
this 4th day of October, 1941.

BH

(Decision No. 17742)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
George Waneka)
)
)

PERMIT NO. B-2551

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Waneka of Lafayette, Colorado, requesting that his Permit No. B-2551 be cancelled.

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 Permit No. B-2551, heretofore issued to George Waneka be, and the same is hereby, declared cancelled effective, as of August 20, 1941

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41

G

(Decision No. 17743)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Maurice A. Grant) PERMIT NO. C-12185
)
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Maurice A. Grant of 801 South 2d, Montrose, Colorado requesting that his Permit No. C-12185 be cancelled.

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 Permit No. C-12185, heretofore issued to Maurice A. Grant be, and the same is hereby, declared cancelled effective, as of September 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41.

G

(Decision No. 17744)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Frank E. Nichols) PERMIT NO. C-12695
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank E. Nichols of General Delivery, Golden, Colorado, requesting that his Permit No. C-12695 be cancelled.

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 Permit No. C-12695, heretofore issued to Frank E. Nichols be, and the same is hereby, declared cancelled effective, as of September 18, 1941

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41

G

(Decision No. 17745)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12798
Norman Bauman)
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Norman Bauman of Goodland, Kansas, requesting that his Permit No. C-12798 be cancelled.

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 Permit No. C-12798, heretofore issued to Norman Bauman be, and the same is hereby, declared cancelled effective , as of September 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41

G

(Decision No. 17746)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Herbert C. Sellers)
)
)

PERMIT NO. C-8788

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Herbert C. Sellers of 921 4th, Greeley, Colorado, requesting that his Permit No. C-8788 be cancelled.

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 Permit No. C-8788, heretofore issued to Herbert C. Sellers be, and the same is hereby, declared cancelled effective , as of September 23, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41.

G

(Decision No. 17747)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
L. L. Hoffarth) PERMIT NO. C-12103
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. L. Hoffarth of 7981 W 38th, Wheatridge, Colorado, requesting that his Permit No. C-12103 be cancelled.

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 Permit No. C-12103, heretofore issued to L. L. Hoffarth be, and the same is hereby, declared cancelled effective, as of September 23, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41.

G

(Decision No. 17748)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Charles Wilgus & Jack DeBoer,) PERMIT NO. C-10138
d/b/a)
Chuck Wilgus Sales Co)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles Wilgus & Jack DeBoer, d/b/a Chuck Wilgus Sales Co of 1915 No Tejon, Colo Spgs., Colo., requesting that his Permit No. C-10138 be cancelled.

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 Permit No. C-10138, heretofore issued to Chuck Wilgus & Jack DeBoer, d/b/a/ Chuck Wilgus Sales Co. be, and the same is hereby, declared cancelled effective, as of September 24, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ I. D. Newman

/s/ Edward J. Knaebel

/s/ Mac Ennis

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 1941.

G

(Decision No. 17749)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Elah Hepler) PERMIT NO. C-12151
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elah Hepler of 3000 So. Elati, Englewood, Colo, requesting that his Permit No. Cpl2151 be cancelled.

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 Permit No. C-12151, heretofore issued to Elah Hepler be, and the same is hereby, declared cancelled effective as of September 24, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41.

G

(Decision No. 17750)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
N. G. Bellairs, d/b/a) PERMIT NO. C-12148
Jackson Co Implement Co)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from N. G. Bellairs, d/b/a Jackson Co Implement Co of Walden, Colorado, requesting that his Permit No. C-12148 be cancelled.

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 Permit No. C-12148, heretofore issued to N. G. Bellairs, d/b/a Jackson Co. Implement Co be, and the same is hereby, declared cancelled effective, as of September 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 1941.

G

(Decision No. 17751)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. L. & Bingta Burns) PERMIT NO. C-12132
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. L. & Bingta Burns of 1255 White Ave., Grand Junction, Colo requesting that his Permit No. C-12132 be cancelled.

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 Permit No. C-12132, heretofore issued to J. L. & Bingta Burns be, and the same is hereby, declared cancelled effective, as of September 29, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41.

G

(Decision No. 17752)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
L. W. Barley) PERMIT NO. C-9615
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. W. Barley of Calhan, Colorado, requesting that his Permit No. C-9615 be cancelled.

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 Permit No. C-9615, heretofore issued to L. W. Barley be, and the same is hereby, declared cancelled effective as of September 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Newman

Edward D. Arnold

Eugene Eaton

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 1941.

G

(Decision No. 17753)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Joseph Kaufman) PERMIT NO. C-6480
)
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joseph Kaufman of 1134 11th, Denver, Colorado, requesting that his Permit No. C-6480 be cancelled.

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 Permit No. C-6480, heretofore issued to Joseph Kaufman be, and the same is hereby, declared cancelled effective, as of September 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Newman

Edwin C Johnson

Walter Fisher

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41.

G

(Decision No. 17754)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Henry Lobato, Jr.) PERMIT NO. C-12271
)
)
)

October 28, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Henry Lobato, Jr of South Batterson, Monte Vista, Colorado requesting that his Permit No. C-12271 be cancelled.

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 Permit No. C-12271, heretofore issued to Henry Lobato, Jr. be, and the same is hereby, declared cancelled effective , as of October 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V O Sherman

Edward V. Carlson

Marion Erickson

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 1941.

G

(Decision No. 17755)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12821
A. E. Zufelt)
)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. E. Zufelt of Moab, Utah, requesting that his Permit No. C-12821 be cancelled.

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 Permit No. C-12821, heretofore issued to A. E. Zufelt be, and the same is hereby, declared cancelled effective , as of October 3, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41

G

(Decision No. 17756)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. B-2252
Adolph Lasnik)
)

October 6, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Adolph Lasnik of Louisville, Colorado, requesting that his Permit No. B-2252 be cancelled.

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 Permit No. B-2252, heretofore issued to Adolph Lasnik be, and the same is hereby, declared cancelled effective, as of October 4, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 19 41.

G

(Decision No. 17757)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF E. BLANCHE HARSCH, WIDOW OF MELVIN A. HARSCH, DECEASED, FOR AUTHORITY TO TRANSFER PUC 519, STANDING IN THE NAME OF M. A. HARSCH (BEING ONE AND THE SAME PERSON AS MELVIN A. HARSCH), TO E. BLANCHE HARSCH, DOING BUSINESS AS HARSCH LIVESTOCK TRUCKING COMPANY.

APPLICATION NO. 1609-A

October 8, 1941.

Appearances: Pershing, Bosworth, Dick and Dawson, Esqs., Denver, Colorado, for transferee.

S T A T E M E N T

By the Commission:

Heretofore, M. A. Harsch was granted a certificate of public convenience and necessity, No. 519, by Decision No. 3130, dated at Denver, Colorado, on the 30th day of October, 1930.

We are now in receipt of a letter from Pershing, Bosworth, Dick and Dawson, attorneys at law, Equitable Building, Denver, Colorado, representing the Estate of M. A. Harsch, now deceased, asking that PUC No. 519 be transferred to E. Blanche Harsch, widow of Melvin A. Harsch, doing business under the name of Harsch Livestock Trucking Company. This letter recites that road tax in the amount of Three Hundred Twenty-four Dollars and Eighty-one Cents ($324.81) now stands against the certificate, and that Mrs. Harsch is willing to assume and agree to pay said balance, as well as current and future taxes. This letter contained a certified copy of Order entered in the County Court of the City and County of Denver, Colorado, in the matter of the Estate of Melvin A. Harsch, Deceased, being Docket No. 62798, which order was signed by the Honorable C. E. Kettering, Judge, on the 26th day of September, 1941, setting over to E. Blanche Harsch, the widow of Melvin A. Harsch, as her sole and separate property, the following:

1935	GMC	Semi-Trailer	TT218	with 20' rack
1930	GMC	Truck	27279	
Hi-Lo	4 wheel	Trailer		with 16' rack
1940	GMC	Truck	24 804 200	with 16' rack
1941	GMC	Truck	G25600265	with 16' rack

Loading chute
State of Colorado PUC Certificate #519.

The Commission finds:

The operating experience and pecuniary responsibility of transferee is established to the satisfaction of the Commission.

That Colorado PUC No. 519 should be transferred to E. Blanche Harsch, widow of Melvin A. Harsch, subject to her assumption of and agreement to pay all back road taxes, with interest and penalties, now standing against said certificate.

That no formal application nor hearing is necessary in this matter in view of the fact that the County Court of the City and County of Denver transferred the above-described property to E. Blanche Harsch.

O R D E R

IT IS ORDERED:

That Colorado PUC No. 519, heretofore belonging to M. A. Harsch (otherwise known as Melvin A. Harsch), is hereby transferred to E. Blanche Harsch, doing business as Harsch Livestock Trucking Company, upon the condition, however, that the transferee shall pay all back road taxes with interest and penalties standing against said certificate.

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.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1941.

BH

(Decision No. 17758)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. B. HARDENBURGH, DOING BUSI-)
NESS AS " MARTIN TRUCK LINE,")
GRAND JUNCTION, COLORADO, PRI-)
VATE CARRIER PERMIT NO. A-494.)

CASE NO. 4880
ORDER TO SHOW CAUSE
AND NOTICE OF HEARING

October 9, 1941

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Carrier Permit No. A-494, pursuant to the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended (Sections 548-570, Chapter 16, 1935 C.S.A.), authorizing her to engage in the business of a private carrier by motor vehicle for hire; that the territory which respondent is authorized to serve in and by said private carrier permit, No. A-494, is as follows, to-wit:

> The transportation of freight from and to Denver, Pueblo and Colorado Springs, to and from Grand Junction, via U.S. Highway 85, U.S. Highway 285, U.S. Highway 24, U.S. Highway 50, U.S. Highway 40, and Colorado Highway 91, and from and to said points, to and from intermediate points on said highways as follows: Leadville, Eagle, Gypsum, Glenwood Springs, New Castle, Silt, Rifle, Grand Valley, DeBeque, Delta, Olathe, Montrose and Gunnison,

and said respondent is now operating, and for a long period of time, has operated, under said private carrier permit as a private carrier by motor vehicle for hire.

The Commission is informed and believes, and upon such information and belief alleges, that respondent has violated the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, and the rules and regulations of this Commission governing private carriers by motor ve-

hicle, and the terms and provisions of said private carrier permit, No. A-494, in the following particulars, to-wit:

I. That during the period October 1, 1940, to July 31, 1941, both inclusive, respondent transported numerous shipments of freight for persons, firms, and corporations without having first entered into specific contracts with said persons, firms, and corporations covering said transportation; and that respondent failed to furnish and file with this Commission, prior to said transportation, a written statement containing the names and addresses of such persons, firms, and corporations, as shown by Exhibit "A" hereto attached, failed to file with this Commission duplicate copies of said contracts or memoranda of the terms thereof with said written statement, and failed to obtain approval of said list and contracts prior to the commencement of said transportation; contrary to the provisions of law and of Rule 10 of the Rules and Regulations Governing Private Carriers; and that respondent increased the number of customers without having first obtained special permission from this Commission, contrary to the provisions of respondent's said permit.

II. That during the period October 1, 1940, to July 31, 1941, both inclusive, respondent transported numerous shipments from and to points off of, and outside, the territory described in the permit issued to respondent by this Commission, contrary to law and to Rule 6 of the Rules and Regulations Governing Private Carriers, as shown by Paragraph 2 of Exhibit "A" hereto attached.

III. That during the period October 1, 1940, to July 31, 1941, both inclusive, respondent extended, changed, altered, and varied the territory and routes established in her said permit, and served points not included therein, without first having made application to this Commission upon the forms provided by this Commission, and without first having obtained authority from this Commission so to do, as shown by Paragraph 2 of said Exhibit "A".

IV. That during the period October 1, 1940, to July 31, 1941, both inclusive, respondent interchanged and interlined freight with other

motor vehicle carfiers, contrary to law and Rule 6 (b) of the Rules and Regulations Governing Private Carriers, as shown by Paragraphs 3-A and 6 of Exhibit A hereto attached.

V. That during the period October 1, 1940, to July 31, 1941, both inclusive, respondent failed to issue bills of lading covering all shipments, which are itemized in a manner so as to fully and clearly show the description and classification of said shipments and the rates charged for the transportation thereof, contrary to law and to Rule 21 of the Rules and Regulations Governing Private Carriers, as shown by Paragraphs 4 and 7 of Exhibit A hereto attached.

VI. That during the period October 1, 1940, to July 31, 1941, both inclusive, respondent assessed and collected a different compensation for the services rendered than the rates and charges applicable to such transportation, as specified in respondent's schedules on file in the office of this Commission, contrary to law and to Rule 20 of the Rules and Regulations Governing Private Carriers, as shown by Paragraphs 5 and 8 of Exhibit A hereto attached.

VII. That during the period October 1, 1940, to July 31, 1941, both inclusive, the respondent made and granted preferences and advantages to various persons, firms, and corporations, contrary to law, as shown by Paragraph 5 of Exhibit A hereto attached.

VIII. That during the period October 1, 1940, to July 31, 1941, both inclusive, the respondant charged, demanded, collected, and received a less and different compensation for service rendered than the rates, tolls, rentals, and charges applicable to such service, as specified in respondent's schedules on file and in effect at said times, as shown in Paragraphs 5 and 8 of Exhibit A hereto attached.

IX. That during the period October 1, 1940, to July 31, 1941, both inclusive, respondent refunded and remitted, directly and indirectly, a portion of the rates, tolls, rentals, and charges so specified in respondent's schedules on file and in effect at the time of said shipments, as shown by Paragraphs 5 and 8 of Exhibit A hereto attached.

X. That during the period October 1, 1940, to July 31, 1941,

both inclusive, respondent failed and refused to issue and carry with each truck a load sheet or manifest, showing all shipments carried on said truck, contrary to law and to Rule 22 of the Rules and Regulations Governing Private Carriers, as shown by Paragraph 9 of Exhibit A hereto attached.

XI. The records of this Commission show that the respondent is a party to agency tariffs issued by Colorado Motor Carriers' Association; that on June 18, 1941, The Colorado Motor Carriers' Association, as the agent of respondent, issued Supplement No. 7 to "Local Schedule of Minimum Rates No. 1, Colorado Motor Carriers' Association, Agent, Colo. P.U.C. No. 1," effective June 19, 1941. The Commission is informed, and upon information and belief alleges, that the respondent does not now have, and has not since said June 19, 1941, maintained in her files, complete copies of said atriff and effective supplements, including said Supplement No. 7.

XII. That said respondent has been, and is now, engaged in the business of operating as a common carrier by motor vehicle, for the transportation of property over the public highways of this State, without first having obtained from this Commission a certificate declaring that the present or future public convenience and necessity require, or will require, such operation, as shown by Paragraphs 1, 2, 3-A, 3-B, and 6 of Exhibit A hereto attached.

THEREFORE, The Commission is of the opinion,and so finds, that a complaint should be instituted, on its own motion, and a hearing and investigation be held, to determine whether or not the respondent has failed or refused to comply with, or has violated, any or all of the provisions of the aforesaid statute, rules and regulations of this Commission, or the provisions of said private carrier permit, No. A-494, and whether or not the respondent is a motor vehicle carrier within the meaning of Chapter 154, Session Laws of 1927, as amended; and, further, that said respondent should be required to show cause, by written answer filed with this Commission within ten (10) days from this date, why this Commission should not, because of the aforesaid alleged violations and

delinquencies, enter an order suspending or revoking the said private carrier permit, No. A-494, and why this Commission should not enter an order requiring respondent to cease and desist from operating as a common carrier by motor vehicle, or why this Commission should not enter such other order or orders as may be proper in the premises.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had, to determine if said respondent has violated the provisions of law and the rules and regulations of this Commission governing private carriers, and the terms and provisions of respondent's said Permit No. A-494.

IT IS FURTHER ORDERED, That said respondent show cause, if any she have, by verified written answer filed with the Commission ten days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending or revoking the permit heretofor issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 29th day of October, 1941, at 10:00 o'clock A.M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L D Thomson

Edward V Dunn

Helen Grill

Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1941.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ELSIE CLARK NIELSON, DOING BUSINESS AS W. J. CLARK TRUCK LINE, ALAMOSA, COLORADO, PRIVATE CARRIER PERMIT NO. A-498.	CASE NO. 4881 ORDER TO SHOW CAUSE AND NOTICE OF HEARING.

October 8, 1941.

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Carrier Permit No. A-498, pursuant to Sections 348-370, inclusive, Chapter 16, 1935 C. S. A., as amended, and that the authority of said respondent under said permit is as shown in Exhibit "A" hereto attached.

The Commission is informed and believes, and upon such information and belief alleges, that respondent has violated the provisions of said statute and the rules and regulations of this Commission governing private carriers by motor vehicle, in the following particulars:

1. That during the period January 1, 1941, to July 31, 1941, both inclusive, respondent transported numerous shipments of freight for persons, firms and corporations without having first entered into contracts with said persons, firms and corporations covering said transportation, and that respondent failed to furnish and file with this Commission, prior to said transportation, a written statement containing the names and addresses of such persons, firms, and corporations, as shown by Exhibit "A" hereto attached; failed to file with this Commission duplicate copies of said contracts or memoranda of the terms thereof with said written statement; and failed to obtain approval of said list and contracts prior to the commencement of

said transportation; contrary to the provisions of law and of Rule 10 of the Rules and Regulations Governing Private Carriers.

2. That respondent increased the number of customers without having first obtained special permission from this Commission, contrary to the provisions of respondent's said permit.

3. That during the period January 1, 1941, to July 31, 1941, both inclusive, respondent interchanged and interlined freight with other motor vehicle carriers, as shown by Exhibit "A" hereto attached, contrary to law and to Rule 6 of the Rules and Regulations Governing Private Carriers.

4. That during the period January 1, 1941, to July 31, 1941, respondent extended and changed, altered and varied the territory and routes established in said permit and served points not included in said permit, without first having made application to the Commission therefor and obtained from the Commission authority so to do; as shown by Exhibit "A" hereto attached.

5. That during the period January 1, 1941, to July 31, 1941, both inclusive, respondent failed to file complete monthly reports with the Commission, as required by law and Rule 28 of the Rules and Regulations Governing Private Carriers, and within the time prescribed by law for the filing of said reports; as shown by Exhibit "A" hereto attached.

6. That said respondent has been, and is now, engaged in the business of operating as a common carrier by motor vehicle for the transportation of property over the public highways of this State, without first having obtained from this Commission a certificate declaring that the present or future public convenience and necessity require, or will require, such operation; as shown by Exhibit "A" hereto attached.

7. That said respondent has been, and is now, engaged in the business of operating as a common carrier by motor vehicle for the transportation of property over the public highways of this State, without first having obtained from this Commission a certificate declaring that the present

or future public convenience and necessity require, or will require, such operation, in that said respondent carries on her said operation under said permit under contracts with more than one person, firm, and corporation; as shown by Exhibit "A" hereto attached.

8. The records of this Commission show that the respondent is a party to agency tariffs issued by The Colorado Motor Carriers' Association; that on June 18, 1941, Colorado Motor Carriers' Association, as the agent of respondent, issued Supplement No. 7 to "Local Schedule of Minimum Rates No. 1, Colorado Motor Carriers' Association, Agent, Colo. P.U.C. No. 1", effective June 19, 1941. The Commission has been informed, and upon information and belief alleges, that the respondent does not now have, and has not since said June 19, 1941, maintained in his files, complete copies of said tariff and effective supplements, including said Supplement No. 7.

The Commission therefore finds that an investigation be made and a hearing held by the Commission relative to said violations and the motor vehicle operations of respondent.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had, to determine if said respondent has, in any manner, violated the provisions of law and the Rules and Regulations of this Commission Governing Private Carriers, and the terms and provisions of respondent's said Permit No. A-498.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by verified written answer filed with the Commission within ten days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending or revoking the permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State

Office Building, Denver, Colorado, on the 28th day of October, 1941, at ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1941.

BH

(Decision No. 17760)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-5174
Frank Qualteri, d/b/a)
Quality Coal & Produce Co.)

October 9, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Qualteri, d/b/a Quality Coal & Produce Co of 2013 W 32d Ave., Denver, Colo, requesting that his Permit No. C-5174 be cancelled.

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 Permit No. C-5174, heretofore issued to Frank Qualteri, d/b/a Quality Coal & Produce Co. be, and the same is hereby, declared cancelled effective, as of October 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1941.

G

(Decision No. 17761)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
F. W. Saylor, d/b/a) PERMIT NO. A-1016-I
Saylor Oil Co)
)

October 9, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. W. Saylor d/b/a Saylor Oil Co of Lamar, Colorado, requesting that his Permit No. A-1016-I be cancelled.

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 Permit No. A-1016-I, heretofore issued to F. W. Saylor, d/b/a Saylor Oil Co. be, and the same is hereby, declared cancelled effective , as of October 7, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 19 41.

G

(Decision No. 17762)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
V. H. JORGENSEN, OF ROUTE 5,)
BOX 152, DENVER, COLORADO.) PERMIT NO. B-1088-I

October 9, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. B-1088-I be suspended for a period of six months.

The Commission finds said request should be granted.

O R D E R

IT IS ORDERED:

That V. H. Jorgensen should be allowed to suspend his operations under Permit No. B-1088-I for a period of not to exceed six months from October 4, 1941.

That unless said V. H. Jorgensen shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1941.

R

(Decision No. 17765)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MISSOURI PACIFIC TRANSPORTATION COMPANY FOR AUTHORITY TO TEMPORARILY SUSPEND ITS MOTOR BUS SERVICE BETWEEN PUEBLO AND THE KANSAS-COLORADO STATE LINE FROM OCTOBER 15, 1941 TO JUNE 1, 1942.

APPLICATION NO. 2251

October 10, 1941

Appearances: J. W. Preston, Esq., Pueblo, Colorado, for applicant.

S T A T E M E N T

By the Commission:

By Decision No. 6537, in Application No. 2251, the Commission granted a certificate of public convenience and necessity to Missouri Pacific Transportation Company to operate motor vehicle bus service for the transportation of persons and light express between Pueblo, Colorado, and the Colorado-Kansas State Line, near Towner, Colorado, over Colorado State Highway No. 96, and intermediate points, in interstate and intrastate commerce.

Said Missouri Pacific Transportation Company, by petition in writing, has asked the Commission for permission to discontinue operations over said route during the coming winter — that is, from October 15, 1941, to June 1, 1942.

In support thereof, applicant represents that certain portions of Highway No. 96 in Colorado and Kansas are being reconstructed, and contracts are about to be let for reconstruction of other portions of said highway; that said highway at times is impassable and it is going to be very difficult to operate busses over the same during the winter months; that volume of business is very slight and at this time the

operation is unprofitable; that the towns now served by busses of said applicant also are served by trains of the Missouri Pacific Railroad Company; that the public convenience and necessity will be served by the rail operation, and that applicant should not be required to operate during the period indicated.

It also appears from said application that total revenue derived from through passengers and local passengers handled in the States of Colorado and Kansas, June 1, 1941 to September 10, 1941, is as follows:

Kansas City, Mo., to Pueblo, Colorado.

Month	Total Revenue	Revenue per mile
June, 1941	$151.84	.020¢
July	168.98	.022¢
August	228.92	.027¢
Sept. (10 days)	102.54	.032¢

Pueblo, Colorado to Kansas City, Mo.,

Month	Total Revenue	Revenue per mile
June	$117.61	.014¢
July	175.39	.023¢
August	127.02	.014¢
September (10 days)	36.36	.011¢

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted, the Commission, however, to retain jurisdiction in the premises, so that said matter may be reopened if a substantial number of complaints are filed against discontinuance of said service, or if the public interest requires that a public hearing should be had herein.

O R D E R

IT IS ORDERED:

That the Missouri Pacific Transportation Company be, and it hereby is, authorized to discontinue its operation under its certificate of public convenience and necessity No. 752 between Pueblo, Colorado, and the Colorado-Kansas State Line, near Towner, and intermediate points, over Colorado Highway No. 96, during the period October 15, 1941, to June 1, 1942.

That the Commission should, and hereby does, retain jurisdiction

in the premises to make such further order as the public interest may require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of October, 1941.

G

(Decision No. 17764)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC RAILROAD COMPANY TO DISCONTINUE OPERATION OF MOTOR TRAINS NOS. 515 AND 516 BETWEEN DENVER AND BOULDER, AND TRAINS NOS. 509 AND 510 BETWEEN ST. VRAINS AND FREDERICK, COLORADO.	)	APPLICATION NO. 5742.

October 10, 1941.

Appearances: G. C. Holdredge, c/o Union Pacific Railroad Company, Omaha, Nebraska, and E. G. Knowles, Esq., Denver, Colorado, and C. J. Kelly, Esq., Equitable Building, Denver, Colorado, for the applicant;
FRANK L. Moorehead, Esq., Boulder, Colorado, for the City of Boulder, Colorado;
F. L. Behymer, Firestone, Colorado, for the Towns of Frederick, Dacona and Firestone, Colorado;
Lillie Hennig, Boulder, Colorado, for scenic operators of Boulder, Colorado;
E. B. Evans, Esq., Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

Applicant seeks authority to discontinue the operation of motor trains Nos. 515 and 516 between Denver and Boulder, Colorado, and motor trains Nos. 509 and 510 between St. Vrains and Frederick, Colorado, on the ground that the expenses of operation of said trains are greatly in excess of the revenue received; that the continued operation of said motor trains would be an unreasonable burden on interstate commerce and an unnecessary depletion of its revenues, man power, equipment and supplies,

which should be conserved at this time for use in the handling of movements of freight and passengers for National Defense.

Mrs. Lillie Hennig, for herself and other sightseeing operators of Boulder, Mr. F. L. Behymer, for the Towns of Dacona, Frederick and Firestone, and Frank L. Moorehead, Esq., for the City of Boulder, appeared in opposition to the granting of the authority sought.

The City of Boulder, the Lions Club of Erie, the Boulder Chamber of Commerce, the Towns of Frederick, Dacona, and Firestone, and a great number of the businessmen and citizens of said towns of Frederick, Firestone and Dacona, filed protests in writing. Generally speaking, said protests urged that the public would be inconvenienced by discontinuance of said train service; that tourists traveling to Boulder would be compelled to resort to the service of the Colorado and Southern Railway Company, or the Denver and Interurban Motor Company, between Boulder and Denver, and intermediate points on the line would not be served by any public carrier; that mail service would be less convenient and greatly curtailed; that the freight business of the Union Pacific Railroad Company is lucrative, and that the revenues of its freight and passenger service together show a profit over operating expenses.

It appeared that the trains in question are operated over a branch line, extending from Denver to Boulder, Colorado, a distance of forty-three (43) miles, with a branch extending from St. Vrains to Frederick, a distance of four (4) miles; that said branch lines are a part of the interstate system of the Union Pacific Railroad Company, which has engaged in the transportation of passengers and property in interstate and intrastate commerce in the State of Colorado; that motor train in question leaves Denver, Colorado at 9:30 A. M., arriving St. Vrains at 9:59 A. M., leaving St. Vrains at 9:59 A. M., arriving Frederick

at 10:04 A. M., leaving Frederick at 10:05 A. M., arriving St. Vrains at 10:15 A. M., leaving St. Vrains at 10:15 A. M., arriving Boulder at 10:50 A. M., leaving Boulder at 2:20 P.M., arriving Denver at 3:40 P. M., serving all intermediate points; that, in addition to said motor train service, The Colorado and Southern Railway Company operates two trains daily between Boulder and Denver, said trains leaving Denver at 8:40 A. M., and 8:35 P. M., respectively, arriving Boulder at 9:37 A. M., and 9:33 P. M., the reverse movement leaving Boulder at 2:47 P. M. and 5:52 A. M., arriving Denver 3:45 P. M. and 6:55 A. M.; that Denver and Interurban Motor Company, a subsidiary of The Colorado and Southern Railway Company, operates bus service between Denver and Boulder over U. S. Highway 287 and State Highway No. 7. Schedules are seven in number each way, leaving Denver at 8:15 A. M., 10:45 A. M., 1:15 P. M., 3:00 P. M., 5:20 P. M., 8:50 P. M., 11:50 P. M., arriving Boulder at 9:20 A. M., 11:50 A. M., 2:20 P. M., 3:58 P. M., 6:25 P. M., 9:55 P. M., 12:53 A. M., the reverse movement leaving Boulder at 6:50 A. M., 8:15 A. M., 11:05 A. M., 1:30 P. M., 3:50 P. M., 6:45 P. M., 10:15 P. M., arriving Denver at 7:55 A. M., 9:20 A. M., 12:10 A. M., 2:35 P. M., 5:10 P. M., 7:50 P. M., and 11:22 P. M. Said busses also furnish direct service to the station at the University of Colorado. Erie, apparently, is served by one schedule each way of Colorado Motor Way, which operates between Denver and Fort Collins and intermediate points. Dacona, Firestone and Frederick do not have any for-hire passenger service other than the motor train in question. The highway over which Colorado Motor Way Bus travels is about two miles from Frederick. It is approximately nine miles from Frederick, Dacona and Firestone to the highway traversed by other scheduled busses of Colorado Motor Way. However, it further appeared that all of the communities mentioned are located on, or closely connected with, improved highways, so that it is possible, by the use of said highways and motor vehicles, to pass easily and rapidly to and from said communities

by private automobiles. It further appeared that most of the business handled by the motor trains is business that originates at points beyond Denver. Passengers, apparently, transfer at Denver on through tickets to the motor train. On the return trip, if possible, they avoid use of the motor train, and have their tickets validated over the Colorado and Southern or Denver and Interurban busses, and return to Denver on said lines. The line is patronized very slightly by persons traveling locally. Everyone apparently conceded that service is not convenient. They use the busses and The Colorado and Southern Railway when patronizing "for hire service", but for the most part, travel in private automobiles over the aforementioned highways.

A number of witnesses appearing in opposition stated that they had never used the motor car service. F. W. Reich, Secretary-Manager of the Boulder Chamber of Commerce, stated that he had traveled on the motor car once; that if the service was discontinued in 1933 for a few months, he did not know it. H. C. McClintock, City Manager of Boulder since June, 1932, stated that he could not recall when he had used any passenger service between Denver and Boulder, and that he had not used the motor car since going to Boulder for the first time in 1926. Mr. Behymer, representing the Towns of Dacona, Firestone and Frederick, added that he had never patronized the line, but that people in Firestone liked to go down to the depot and see the train come in. Mr. Reich thought that Boulder should not become a "one-railroad town;" that competition was needed; that some through tickets were handled over the line, especially during the summertime; that mail service would be curtailed, especially first-class mail arriving in Denver on the Streamliner, and airmail which was sent from Denver over the motor train to Boulder. In this connection, it appeared that mail was handled on The Colorado and Southern trains, and on one afternoon schedule of the Denver and Interurban. Mr. J. H. Musgrave,

Superintendent of Railway Mail Service, wrote the Commission:

> "I have carefully reviewed the reasons offered by the Union Pacific Railroad Company for the withdrawal of these trains, and so far as the Railway Mail service is concerned, we will offer no objection to the discontinuance of these trains if your Commission decides to grant their request."

Mr. H. C. Forgy, Superintendent of Baggage, Mail and Express Service for the Union Pacific, stated that Mr. Musgrave informed him that the mail service, after elimintation of Union Pacific service, still would be satisfactory. Witness added that additional service could be procured for the Towns of Firestone, Dacona and Frederick over the Union Pacific Trains arriving South Bend BOUND about ~~9:00~~ 6:00 AM, and 5:34 P. M., if Post Masters requested it; that no doubt first-class mail could be forwarded to Boulder on early schedules of the bus company, if desired. (SP)

Witnesses for the Union Pacific Railroad identified a number of exhibits, and described the type of service now furnished. They thought that, considering the volume of business moving locally, service furnished by The Colorado and Southern Railway Company, the busses, and private conveyances, was sufficient and adequate to care for the needs of the public; that no unreasonable inconvenience would be suffered by removal of the motor trains.

W. T. Price, Traffic Manager of the Union Pacific, stated that rail travel consistently had been decreasing; that most of the local traffic had disappeared, practically all business being long-haul transportation; passengers originating at distant points; that if motor train service is discontinued, and Union Pacific no longer serves Boulder directly, tickets will be sold with interline arrangement at Denver with the Colorado and Southern Railway, Denver and Interurban;

that same arrangement now is in effect for tickets sold by Union Pacific to Colorado Springs; that, in his opinion, service would be better; that people seemed to prefer The Colorado and Southern and Denver and Interurban services now; that schedules are more frequent, the lines are shorter, and less time is used between Denver and Boulder.

Some witnesses devoted their testimony to the labor situation of the Union Pacific Railroad, as a whole. It appeared that the railway is moving great quantities of freight in defense traffic; that, in order to keep engines and trains moving, competent employees are needed in the shops and operating departments; that in January, 1941, the road was short two hundred thirty-six mechanics; that, notwithstanding arrangements made with the Shop Craft Unions to promote helpers temporarily to mechanic positions, the railroad now is short four hundred thirty-five mechanics. It was shown by Exhibits 3 and 4 that 4, 081 man hours were used by skilled employees, and 1,084 man hours by unskilled employees, in the repair and servicing of the motor trains, being an average of 4,596 hours per day between January, 1940 and June, 1941, inclusive. It was further stated that the application herein, and a number of other applications, were filed at the suggestion of the Government. Men in charge of transportation activities have asked the railroads to eliminate all unessential and unnecessary services wherever possible, in order to conserve railroad resources for use in Government and other essential transportation service; that applications have been filed by the Union Pacific Railroad to abandon "35 runs" on its system; that, in their opinion, other services available are more than sufficient to care for community needs in the territory served by the motor trains. The operation of the Union Pacific system, as a whole, is profitable. In 1939, Train 515, Denver to Boulder, handled 2,719 passengers, revenue therefrom being estimated at $1,424.00. In 1940, the same train handled 2,969 passengers, the estimated revenue being $1,577.00. For the first six months of 1941, 1,182 passengers were handled, revenue being estimated at $618.00. Railroad witnesses seemed

to think that the train would show about the same results for the last six months of 1941 as were shown the last six months of 1940. Train No. 516, Boulder to Denver, in 1939 carried 1,278 passengers, revenue being estimated at $646.00. 1,379 passengers were carried in 1940, with estimated earnings of $673.00, while in 1941, 543 passengers were handled during the first six months, revenue being estimated to be $285.00. Between St. Vrains and Frederick, in 1939, 457 passengers were carried, with a total revenue of $45.00. $54.00 revenue was received from 543 passengers handled in 1940, and $18.20, it was estimated, was paid by 182 passengers in 1941. On the reverse movement, Frederick to St.Vrains, 19 passengers were carried in 1939, 32 passengers in 1940, and 7 passengers during the first six months of 1941, for earnings of $1.90 in 1939, $3.20 in 1940, and $.70 in 1941. The actual out-of-pocket cost to petitioner for operating said trains between January, 1940, and June, 1941, both months inclusive, was $18,564.33, total revenue from all sources amounting to $7,256.76. Costs do not include charges for depreciation, supervision, taxes, and maintenance of road bed, structures, and other general overheads which would go into a full cost expense statement. Out-of-pocket cost per train mile amounted to $.3597 per mile. Revenues amounted to $.1406 per mile, or net loss per train mile of $.2191.

The Commission fully appreciates the reaction of the communities affected to the proposed abandonment of the trains in question. Local pride, which is always evident in similar matters, naturally leads to a protest against the curtailment of any railroad facilities which have been enjoyed in the past — or perhaps we should say might have been enjoyed in the past. The question for determination by the Commission, however, is whether in view of present conditions, the public will be served in a reasonably adequate manner by other transportation services available, if these trains are discontinued. We believe that present passenger and mail service, all things considered, without the Union Pacific service, is reasonably adequate. There certainly is much, and

in many instances, more service than many communities in Colorado are today enjoying. In view of the fact that the operation is conducted at a loss, and the services of the men engaged in maintaining said service can be used to better advantage elsewhere, thus satisfying the demands of the Government and the requirements of the Defense Program, we believe that the authority sought should be granted.

After careful consideration of the record, the Commission is of the opinion, and so finds, that authority should be granted to Union Pacific Railroad Company to discontinue operation of motor trains Nos. 515 and 516, between Denver and Boulder, and motor trains Nos. 509 and 510, between St. Vrains and Frederick, Colorado, on November 1, 1941.

O R D E R

IT IS ORDERED:

That authority be, and it hereby is, granted to the Union Pacific Railroad Company to discontinue operation of its motor trains Nos. 515 and 516, between Denver and Boulder, Colorado, and intermediate points, and motor trains Nos. 509 and 510, between St.Vrains and Frederick, Colorado, effective November 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of October, 1941.

(Decision No. 17765)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
DENNIS CRAIG, 111 SOUTH NEWTON ST.,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 5770-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE,)

October 14, 1941.

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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to construction jobs within said 50-mile radius, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Dennis Craig, Denver, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to construction jobs within said fifty-mile radius

excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L D Thomas

Edward D. Hayes

Walter Evans

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1941.

BH

(Decision No. 17766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JACOB SEVERIN, 343 ELATI STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5769-PP

October 14, 1941.

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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to construction jobs within said fifty-mile radius, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Jacob Severin, Denver, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to construction jobs within said fifty-mile radius,

excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Sherman

Edward D. Charles

William Irwin

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1941.

BH

(Decision No. 17767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. J. DIGBY, RFD 8, BOX 1104, DENVER,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 5771-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

October 14, 1941.

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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That W. J. Digby, Denver, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado

to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1941.

BH

(Decision No. 17768)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CORA E. JAMES, SOLE HEIR OF M. W. JAMES, DOING BUSINESS AS MOUNTAIN STATES AUTO LIVERY, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER ONE CAR FROM P.U.C. 165 TO D. B. SNOUFFER, DOING BUSINESS AS CADILLAC SIGHTSEEING COMPANY, COLORADO SPRINGS, COLORADO.	APPLICATION NO. 849-AA

October 15, 1941.

Appearances: James F. Quine, Jr., Esq., Colorado Springs, Colorado, for Cora E. James, Administratrix;
D. B. Snouffer, Colorado Springs, Colorado, pro se;
H. T. McGarry, Esq., Colorado Springs, Colorado, for Antlers Livery and Taxicab Company;
John Nolon, Jr., Esq., Manitou, Colorado, for Bank of Manitou and Conour and Conour, Esqs.

S T A T E M E N T

By the Commission:

Cora E. James, as Administratrix of the Estate of Morgan W. James, doing business as Mountain States Auto Livery, herein seeks authority to transfer the right to operate one automobile in sightseeing service in the Colorado Springs area to D. B. Snouffer, doing business as Cadillac Sightseeing Company, Colorado Springs, Colorado.

The matter was heard at Colorado Springs on August 28, 1941.

It appeared at said hearing, and from the records and files herein, that on May 28, 1938, by Decision No. 1790, as amended by Decision No. 15760, of date August 2, 1940, the Mountain States Auto Livery was authorized to transfer its certificate of public convenience and necessity, authorizing the transportation of passengers in two cars in sightseeing service from Colorado Springs to the various scenic attractions in the Pikes Peak Region,

to M. W. James, doing business as Mountain States Auto Livery; that the Probate Court of El Paso County, where the estate of said Morgan W. James was probated, has directed the transfer of the right to operate one automobile in sightseeing service to said D. B. Snouffer, doing business as Cadillac Sightseeing Company.

Protestants did not object to the transfer. However, they asked that the claim of the Antlers Livery and Taxicab Company in the sum of One Hundred Sixty Dollars and Seventy Cents ($160.70) for tires, gasoline and other supplies furnished said Morgan W. James for the operation of said automobile service during his lifetime, and notes owing the Bank of Manitou, as part of the original purchase price of said automobile used by transferor, be made a lien against said purchase money. Transferor objected, contending that sale was being made under direction of the Court, and that purchase price received must be accounted for to said Court, and disbursement made under the direction of the Court.

The operating experience and pecuniary responsibility of transferee were established to the satisfaction of the Commission.

We believe the position of transferor is well taken, and that we cannot direct that said purchase price be applied to the payment of claims against the operation. While desirable, still the matter of application of moneys belonging to the estate must be left to the direction of the Probate Court.

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

O R D E R

IT IS ORDERED:

That Cora E. James, as Administratrix of the Estate of Morgan W. James, is hereby authorized to transfer the right to operate one automobile in sightseeing service from Colorado Springs to the various scenic attractions in the Pikes Peak Region, to D. B. Snouffer, doing business as "Cadillac Sightseeing Company", Colorado Springs, Colorado.

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.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L D Thomas

Edward D. Hayes

Mac Grisa

Commissioners.

Dated at Denver, Colorado,
this 15th day of October, 1941.

BH

(Decision No. 17769)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DELMAR J. McINTOSH, 2342 7TH STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)))))	APPLICATION NO. 5768-PP

October 14, 1941.

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 sand, gravel and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to johs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Delmar J. McIntosh, Denver, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado

to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V Sherman

Edward J. Charles

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1941.

BH

(Decision No. 17770)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ELSIE CLARK NIELSON, DOING BUSINESS AS W. J. CLARK TRUCK LINE, ALAMOSA, COLORADO, PRIVATE CARRIER PERMIT NO. A-498.	CASE NO. 4881 AMENDMENT TO ORDER TO SHOW CAUSE

October 15, 1941.

S T A T E M E N T

By the Commission:

Since the issuance of Decision No. 17759, the Commission has been informed and believes, and upon such information and belief alleges, that the respondent has violated the provisions of the statute mentioned in said Decision No. 17759, and the rules and regulations of this Commission governing private carriers by motor vehicle, in the particulars hereinafter set forth, and that said Decision No. 17759 should be amended by the addition thereto of the following paragraphs:

9. That on August 22, 1941, the respondent transported a certain shipment of household goods from Alamosa, Colorado, to Denver, Colorado, from Clyde Smith, as consignor, to Clyde Smith, 1325 Josephine Street, Denver, Colorado, as consignee, and that respondent assessed and collected a different compensation for the services so rendered than the rates and charges applicable to such transportation as specified in respondent's schedules on file in the office of this Commission, contrary to law and to Rule 20 of the rules and regulations governing private carriers; that respondent transported said shipment for said Clyde Smith without first having entered into a contract with said Clyde Smith covering transportation for said Clyde Smith, and that respondent failed to furnish and file with this Commission, prior to said transportation, a written statement containing the name and address of said Clyde Smith, and failed to file with this Commission a duplicate copy of said contract with said Clyde Smith or a memorandum of the terms thereof, and failed to obtain approval of said statement and contract prior to the commencement of said

transportation, contrary to the provisions of law and of Rule 10 of the rules and regulations governing private carriers.

The Commission, therefore, finds that an investigation should be made and a hearing held by the Commission relative to said violations, and that said investigation and hearing should be consolidated with the investigation to be made and the hearing to be held under and pursuant to said Decision No. 17759.

O R D E R

IT IS THEREFORE ORDERED, By the Commission on its own motion, that an investigation and hearing be had, to determine if said respondent has violated the provisions of law and the rules and regulations of this Commission, and the terms and provisions of respondent's said Permit No. A-498, as hereinbefore set forth.

IT IS FURTHER ORDERED, That this order be, and the same hereby is, considered as an amendment to said Decision No. 17759.

IT IS FURTHER ORDERED, That respondent show cause, if any she have, by verified written answer filed with this Commission within ten (10) days from this date, why it should not enter an order, because of the aforesaid alleged violations, and the violations described in Decision No. 17759, suspending or revoking the permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That this matter be, and it hereby is, consolidated with and made a part of Case No. 4881, and set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 6th day of November, 1941, at ten o'clock A.M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of October, 1941.

JH

(Decision No. 17771)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PERRY TRUCK LINES, INC., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TRUCK SERVICE BETWEEN DENVER AND TRINIDAD, COLORADO, AND DENVER AND HOLLY, COLORADO, AND INTERMEDIATE POINTS, INCLUDING MANITOU	APPLICATION NO. 5312
IN THE MATTER OF THE APPLICATION OF BENNIE GOLDSTEIN, DOING BUSINESS UNDER THE NAME AND STYLE OF GOLDSTEIN REFRIGERATOR LINES, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A MOTOR TRUCK SERVICE BETWEEN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND THE CITY OF TRINIDAD, STATE OF COLORADO, AND INTERMEDIATE POINTS.	APPLICATION NO. 5313
IN THE MATTER OF THE APPLICATION OF J. W. RINGSBY AND R. S. RINGSBY, DOING BUSINESS AS JIM'S TRUCK LINE, FOR AN EXTENSION OF CERTIFICATE NO. 805 TO INCLUDE THE TRANSPORTATION OF GENERAL COMMODITIES BETWEEN DENVER, COLORADO, AND PUEBLO, COLORADO, AND INTERMEDIATE POINTS, INCLUDING MANITOU, ON SCHEDULE.	APPLICATION NO. 2202-B
IN THE MATTER OF THE APPLICATION OF A-ONE TRUCK LINE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TRUCK SERVICE BETWEEN DENVER, COLORADO, AND PUEBLO, COLORADO, AND INTERMEDIATE POINTS.	APPLICATION NO. 2767
IN THE MATTER OF THE APPLICATION OF J. R. MARKS, RALPH T. STEVENSON AND TUDOR J. MARKS, COPARTNERS, DOING BUSINESS AS J. R. MARKS TRUCK LINE, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 5314

October 16, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants in Applications Nos. 5312 and 2202-B;

John S. Stidger, Esq., Kittredge Building, Denver, Colorado, for applicants in Application No. 5313;
Henley A. Calvert, Esq., Denver, Colorado, for applicants in Application No. 2767;
John Q. Dier, Wm. L. Rice and Joel E. Stone, Esqs., Denver, Colorado, for applicants in Application No. 5314;
J. W. Preston and David A. Preston, Esqs., Pueblo, Colorado, for Guy Thompson, Trustee for Missouri Pacific Railroad Company, protestant in Application No. 5312;
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company, Rio Grande Motor Way, Inc., and Denver-Pueblo-Colorado Springs Motor Way, protestants;
Raymond B. Danks, Esq., Denver, Colorado, for Weicker Transportation Company, Denver-Limon-Burlington Transportation Company, Cripple Creek-Victor and Colorado Springs Stage Company, and South Park Motor Lines;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
John C. Street, Esq., Denver, Colorado, for The Colorado and Southern Railway Company;
Roland F. Maroney, Esq., Denver, Colorado, for The Atchison, Topeka and Santa Fe Railway Company;
Conour and Conour, Esqs., Del Norte, Colorado, for Faus Transportation Company, Intervener and protestant;
Dayton Denious, Esq., and Hudson Moore, Esq., Denver, Colorado, for Weicker Investment Company, protestant;
Hodges, Vidal and Goree, Esqs., Denver, Colorado, for The Chicago, Rock Island and Pacific Railway Company;
Floyd E. Wade, Esq., Colorado Springs, Colorado, for Midland Terminal Railroad Company;
R. R. Keigley, Denver, Colorado, for International Brotherhood of Teamsters;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
F. M. Keith, Canon City, Colorado, for Keith Truck Line;
E. B. Peterson, Colorado Springs, Colorado, for Woodward Truck Line.

S T A T E M E N T

By the Commission:

The instant cases were consolidated for hearing. The authority sought is as outlined in captions of applications except that Perry Truck Line, Inc., also seeks authority to serve between Denver and Sugar City, and J. R. Marks Truck Line seeks authority to operate between Denver, Colorado Springs and Pueblo, thence to La Junta and Lamar, and from Colorado Springs through Hartsel and Fairplay into Leadville, and back

from Leadville through Buena Vista by way of Florissant to Colorado Springs, including the right to operate from Florissant to Cripple Creek and Victor, applicants having waived the additional authority set out in their application. Applications were protested by various rail lines and common carrier truck lines now operating between at least some of the points located on the routes in question.

On behalf of applicant, Perry Truck Lines, Inc., the evidence disclosed that individually and as a corporation, they had been transporting freight over the highways of Colorado for about twelve years under private permits. They also have common carrier interstate rights between Denver, Albuquerque and Kansas City, Missouri. They own approximately seventy truck units, and according to Exhibit No. 2 operated from May 1, 1939, to December 31, 1939 at a loss of $4,309.11. During 1939, they handled, intrastate, under Permits Nos. A-1 and A-693 a total of 3,473 tons of freight, serving 250 customers under Permit A-1, divided into 20,280 shipments, and 90 customers under Permit A-693, divided into 2808 shipments. Under Permit A-779, for the same period, they transported 5,786 tons of freight for 205 customers, divided into 24,265 different shipments. Mr. J. D. Perry testified in part that the reasons for filing the application were to permit the transportation of interstate freight and intrastate freight on the same truck (they having been denied this privilege because the interstate movement was common carrier); so they could develop more business and because he felt that under the McKay decision of the Colorado Supreme Court they might be forced to cease operations. Other witnesses appearing for this applicant were interstate operators who testified to the advantages of being able to interline shipments with Perry, stating that presently established common carriers refused to interline on a through rate basis, but demanded the local rate for their part of the movement. Applicant operates two truck services out of Denver daily, one leaving at 11:00 A.M., and the other at approximately 7:00 P.M.

In Application No. 2202-B, Intermountain Freight Lines, a corporation, was substituted as applicant in lieu of J. W. and R. S. Ringsby. The evidence disclosed that these applicants purchased the C. C. Cox line in 1938, which had been operated since 1927. Exhibit No. 8 shows the net worth of Intermountain Freight Lines on March 13, 1940, to be approximately $10,000.00. In 1939, 6,879,656 pounds of freight were transported by applicants in intrastate commerce, divided into 12,384 shipments, and 514 customers were served. Applicants own approximately 15 units of equipment, and they have interstate common carrier rights between Denver and Chicago. They operate one truck out of Denver to Colorado Springs, leaving at noon, and one night truck from Denver to Colorado Springs and Pueblo.

In Application No. 2767, the evidence disclosed that Mr. Everitt had been operating since 1933. He owns four units of equipment and has a net worth of between $15,000 and $20,000. His schedule leaves Denver for Pueblo at 8:00 P.M. He serves approximately 200 customers and reported a total of 139,523 ton miles of freight transported in 1939. It was the contention of Mr. Everitt that the private carrier was compelled to take on more customers after rates were prescribed by the Commission, due to increased competition and shipper-owned trucks. He and his witnesses stressed the advantages of his late departure from Denver.

In Application No. 5313, the evidence disclosed that Mr. Goldstein had been operating for about ten years. He owns approximately 15 units of equipment and transported 8,783,731 pounds of freight in 1939 between Denver, Colorado Springs and Trinidad. He has interstate common carrier operating rights between Denver and Pueblo, including Colorado Springs, and has a net worth of better than $10,000. His schedule leaves Denver southbound at 7:00 P.M.

In all the above applications, certain testimony introduced by the various applicants was adopted by other applicants when material to

their own case. A large number of witnesses were introduced on behalf of applicants, although the number was kept within reasonable limits by stipulation of counsel. These witnesses consisted of shippers living in Denver, Colorado Springs, Pueblo, and other points, and were rather representative and a cross-section of various business establishments in the localities in question. The packing industry witnesses detailed the advantage of the service now rendered by private carriers over common carrier service, with particular reference to refrigeration equipment furnished and the less number of transfers involved. Generally speaking, the witnesses were asked the same questions, viz., the volume of their tonnage, the carrier or carriers they patronized, and the quality of service rendered, the convenience to them and their customers of various truck schedules, and whether, if the private carriers were forced to cease operating, they felt one common carrier truck service would be sufficient. A typical question in this connection is as follows:

> "Q. Mr. Lentz, a possible construction of the Colorado law is that private carriers may be limited to one or a small number of customers, restricted from operating on schedule or restricted from operating between fixed points, in which case the testimony in the record so far is that private carriers would be forced to cease and desist from operating. What effect would that have upon your business in its transportation?"

In most cases, the witness patronized the particular carrier in whose behalf he was testifying. However, in many cases, some patronage was given to other private carriers, as well as common carriers, railroads, and occasionally, bus lines. A great majority of the witnesses were entirely satisfied with the service they were receiving at the time of the hearing and were of the opinion that if the private carriers were forced to go out of business, the public convenience and necessity required that they should be granted certificates. Many of these witnesses testified that they believed in competition and did not think regulation could take its place. The population of the territory

involved was estimated at approximately 500,000.

On behalf of Cripple Creek-Victor-Colorado Springs Stage Company, protestant, the evidence disclosed that they operate as common carriers, on schedule, between Colorado Springs, Cripple Creek and Victor, via Divide. They handle passengers as well as freight and also have interstate rights. Exhibits were introduced showing the equipment owned, their various time schedules, and the per cent of their freight shipments for the months of October, November and December, 1940. Their equipment is clear and consists of a 1939 Chevrolet station wagon carrying 7 passengers, which has a rack on top which will hold express. Their freight equipment consists of 1940 and 1941 Chevrolet trucks equipped with van and stake bodies. It was testified that they attempt to correlate their schedules with those of the Weicker Transportation Company on service out of Denver and Pueblo destined to Victor and Cripple Creek. Freight destined to Victor leaving Denver in the evening will arrive in Victor at 9:00 A.M. the following morning. Meat and packing house products from Denver are placed in a refrigerator unit upon their arrival at Colorado Springs, leaving there at 5:00 A.M. on un-refrigerated trucks, and being delivered in Cripple Creek at 7:30 A.M. Total freight interlined with Weicker for the months of October, November and December, 1940, amounted to 394,676 pounds.

On behalf of Weicker Transportation Company, the evidence disclosed that some twelve years ago, Weicker, having been denied a certificate by the Commission, purchased for $140,000 the operating rights of the White Motor Express and Camel Truck Line, operating between Denver and Pueblo, and between Pueblo and Lamar, and later on obtained by purchase operating rights between Pueblo and Walsenburg and Walsenburg and Trinidad, as well as from Colorado Springs to Manitou. They have on hand approximately 130 operating units, covering a wide variety of tractors, trucks, trailers and special equipment. During the years 1939 and 1940, some $80,000 worth of new equipment was purchased. Exhibit No. 5 was introduced to show tonnage hauled from April 1 to

September 30, inclusive, 1939, between Denver and Trinidad, and intermediate points, and between Denver, Lamar and Holly and intermediate points, by private carriers and by Weicker, as taken from the road reports filed with the Commission. This exhibit shows that out of a total of 53,494,986 pounds of freight moved, the Weicker Company handled 50.8995 per cent. Exhibit No. 6 discloses that between Denver and Colorado Springs, during this same period, the percentage of unused capacity on the Weicker trucks was 39.56 per cent; Denver to Pueblo, 35.23 per cent; from Pueblo to the Arkansas Valley 59.69 per cent, and Pueblo to Walsenburg and Trinidad 53.13 per cent. The per cent of back-haul space actually utilized was only 07.10 from Colorado Springs to Denver; 11.15 from Pueblo to Denver; 12.03 from Arkansas Valley to Denver, and 07.98 from Walsenburg and Trinidad to Pueblo. It is the contention of Weicker that by using trailer units, the entire tonnage moving between above points by motor vehicle could be handled with their present equipment.

Mr. Fregeau, general manager of the Weicker Transportation Company, testified that the company had acquired four mechanical refrigerator units in 1939; that prior to that time their refrigerators were all brine tanks. He discussed in detail the operations of the Weicker Company, showing the terminals of the routes in question where dock facilities are provided, and the use made of same by other trucking companies. He denied that the Weicker Company had refused to interline interstate shipments, but claimed that the tariff which became effective in October, 1940, was applied to all interstate carriers, so far as Weicker is concerned, between points where freight rates were in effect which provided for a charge of eighty per cent of the old local rate base between points in Colorado, which was approximately ten per cent less than the present local class rates. He also detailed the experience of the Weicker Company with the transportation of fresh meat and packing house products. Weicker operates trucks out of Denver for points south at 11:00 A.M., besides trucks leaving in the evening at 6:30 P.M.

The railroad freight service schedules were introduced, and a number of shipper witnesses who also constituted a very representative cross-section of Colorado business men, were heard. This testimony was all somewhat similar. A majority of these witnesses patronized the Weicker service and found it very satisfactory. Most of the witnesses also patronized other carriers to some extent, and in most instances all the services used had been adequate and satisfactory to meet the demands of each particular witness.

The theory of counsel for applicants, as indicated by their questions at the hearing and their briefs, is to the effect that under the decision of our Supreme Court in Oren L. McKay v. Public Utilities Commission, et al, 104 Colo. 402, applicants may be forced to cease operations, and the only for-hire motor vehicle service left available to the shipping public would be Weicker (between the main points involved), and due to the large number of shippers now using applicants' service, the public convenience and necessity requires the granting of further certificates.

One of applicants' counsel, in his brief, states:

> "Recently, the Supreme Court of the State of Colorado rendered a decision which, in effect, held that private or contract carriers could not operate over fixed routes or between fixed termini, and must limit the use of their equipment solely to persons with whom said private or contract carriers had entered into bi-lateral agreements for the transportation of goods, wares, and merchandise, and providing that contracts with more than a certain number was prima facie evidence that the contract was operating as a common carrier",

and cited the McKay case, supra. We do not construe the McKay case to hold that a private carrier may not operate over fixed routes or between fixed termini. The Legislature clearly indicated that such an operation was permissible when it divided private carriers into two classes, "A" and "B", the distinction being as follows:

> "(1) Class A private carriers shall embrace all private carriers by motor vehicle operating over substantially regular or established routes or between substantially fixed termini, or to a fixed terminus or termini.

"(2) Class B Private Carriers shall embrace all private carriers by motor vehicle who do not operate over substantially regular or established routes or between substantially fixed termini."

Session Laws of 1931, page 465, Sec. 1; Session Laws of 1935, page 866, Sec. 1; and '35 C. S. A., Vol. 2, Chapter 16, Sec. 348 (h), page 233.

It is true that under the statutory definition of a motor vehicle carrier, as defined in '35 C. S. A., Vol. 2, Chapter 16, Sec. 300, Page 216, the fact that an operator conducts his operations in whole or in part between substantially fixed points or over established routes, or under contract with more than one person or corporation, or by making repeated or periodical trips, shall be prima facie evidence that such person is a common carrier hereunder, but, as pointed out in the McKay decision, this is a mere presumption and susceptible of being rebutted. How, we might ask, could a private "A" carrier operate otherwise than over established routes and between substantially fixed points? The McKay case does hold that a private carrier may not advertise or hold himself out to the general public to render service; that he may not list other motor vehicle carriers as customers, or indulge in joint traffic with other private or common carriers, and that he may not operate as both a common and private carrier over the same route, at the same time, with the same equipment. It is also pointed out in said decision that it is fallacious to assume that all that need be done to constitute a lawful private carrier operation is to have a mere agreement that the shipper will be the customer and the carrier will transport his freight, regardless of <u>volume</u> or <u>number</u> of shippers. We believe the private carrier has his place in the transportation set-up of Colorado, and that to eliminate him from the picture would not be in the public interest. However, he must operate as a private carrier and not as a common carrier under the guise of a private permit. It would appear that the private carrier does render a service that is advantageous in the movement of certain freight. Attention might be

called to our Decision No. 16051, In Re Dalby Motor Freight Line, dated October 23, 1940, wherein special authority was granted to Dalby to transport intrastate private carrier freight and interstate common carrier freight, in the same motor vehicle equipment, at the same time, between Denver and Trinidad, Colorado, and intermediate points. A further hearing was granted in this case and no final decision has as yet been handed down, but the first decision is indicative of the fact that the Commission is inclined to regulate private carrier operations with the view of what is in the public interest within the law.

The record discloses that a number of other private carriers, in addition to applicants, are operating in the territory involved. As long as we have private carrier and common carrier truck service, as well as rail freight and bus line express service, between most of these points, it can hardly be maintained that any monopoly exists.

Some evidence of complaints against the Weicker service was introduced, but we cannot say that it was very impressive. All businesses of this magnitude are subject to similar criticism and complaint. However, the great majority of all the testimony of those who had used the Weicker service, was to the effect that it was adequate and reasonably satisfactory. .Counsel for certain applicants points out in his brief that we have granted duplicate certificates on two occasions, to-wit: Decision No. 16587, in Application of C. J. Moberly, and in the case where Woods Truck Line was granted a certificate to serve the towns of Otis, Eckley and Wray, although Leamon Resler had a prior certificate to serve said towns. This is true, but the record in those cases and in the instant cases is so entirely dissimilar that we do not believe they are comparable, or that it is necessary to discuss the same in detail.

Our attention is also called to the case of Santa Fe Trail Stages, Inc., a common carrier application MC-30607, 1 Fed. Carrier Cases, 7466, Subsection .05, wherein a duplicate bus certificate was issued to the

Santa Fe Trail Stages, Inc., by the Interstate Commerce Commission over the protest of the Pacific Greyhound Company. In commenting upon the many decisions of the Commission and other regulatory bodies cited by protestants, to the effect that duplication of adequate service is unwarranted, the Commission in its decision in said case states:

> "In general, the doctrine in these decisions is not questioned, but it can hardly be accepted without qualification, nor can it be said to be without exception."

With this doctrine the Commission agrees. It is entirely possible that the time may come when an additional certificate or certificates should be granted over some of the routes involved in the instant applications. However, our decision in the instant matter must be based upon the record as it now exists, and the sole question to be determined is whether or not this record discloses that the public convenience and necessity require the granting of one or more certificates to applicants. In our Decision No. 17737, Application No. 5339, dated October 2, 1941, In the Matter of the Application of Ed Haines and S. N. Drum, doing business as Haines Motor Freight, for a Certificate of Public Convenience and Necessity, many of the authorities pertinent to the questions of regulated monopoly and what constitutes public convenience and necessity were cited and discussed. We feel that it is not necessary to again quote these authorities.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity do not require the issuance of the authority sought by any of the applicants herein, and that said applications should be denied.

O R D E R

IT IS ORDERED:

That the instant applications, and each of them, are hereby denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of October, 1941.

(Decision No. 17772)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RISS & COMPANY, INC., FOR REINSTATEMENT OF PERMIT NO. B-714, FORMERLY ISSUED TO E. H. PATTERSON.	APPLICATION NO. 5454-PP
IN THE MATTER OF THE APPLICATION OF E. H. PATTERSON, DOING BUSINESS AS "PATTERSON TRANSPORT COMPANY," FORD, KANSAS, FOR AUTHORITY TO TRANSFER PERMIT NO. B-714 TO RISS & COMPANY, INC., KANSAS CITY, MISSOURI.	APPLICATION NO. 5454-PP-A

October 18, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicants;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association, Colorado Transfer and Warehousemen's Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., Denver and Rio Grande Western Railroad Company;
J. C. Shepherd, Esq., 931 14th Street, Denver, Colorado, for Denver and Salt Lake Railway Company;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

On June 4, 1934, E. H. Patterson, doing business as "Patterson Transport Company," of Ford, Kansas, applied for, and was issued, a permit to operate as a Class "B" private carrier by motor vehicle for hire,

No. B-714, the application reciting:

> "the proposed operation is not to be over substantially regular or established routes or between substantially fixed termini, or to a fixed terminus or termini."

The permit issued did not specify routes or territory to be served.

Applicant apparently construed the operation to authorize statewide intrastate transportation service, although road reports fail to reflect such service.

On or about February 10, 1937, Patterson wrote a letter to the Commission, asking that his permit be suspended for sixty days, effective March 1, 1937, which request was granted by the Commission, Decision No. 9542, with the proviso that the permit could be reinstated, upon application of Patterson, within said sixty days, or would be automatically cancelled, if not so reinstated.

On September 23, 1937, a letter, dated May 24, 1937, was received by the Commission from said Patteson, requesting the reinstatement of said permit. This letter may have been in answer to a letter from the Commission to Patterson, dated May 18, 1937, as follows:

> "The Commission has on file a Certificate of Insurance covered by the above numbered policy, which is being applied to cover operations of PUC 1021-I.
>
> "Your Private Carrier Permit No. B-714, was suspended on March 9, 1937. Do you desire to again resume operations under this permit also? If so, a written request should be made to the Commission for re-instatement, and a list of customers and a Description of Equipment filed in this office.
>
> "May we not have an immediate reply from you, and oblige."

In reply to the letter received on September 23, 1937, the Commission, on September 24, 1937, informed Mr. Patterson that:

> "We are in receipt of your letter requesting reinstatement of your permit B-714 which was suspended for a period of 60 days from March 1, 1937.
>
> "Since you failed to apply for reinstatement within the required period your permit stands revoked. If you desire to operate again as a private carrier it will be necessary for you to make new application in the regular manner, and renew your insurance."

Patterson did not file application for a new permit, or an application for reinstatement of Permit No. B-714, but, on October 6, 1937, a customer list, dated May 24, 1937, was approved by Inspector McClelland. The customers listed were from Denver, Colorado Springs, Brighton, Pueblo and Fort Lupton. Description of equipment list, dated May 24, 1937, was filed on September 23, 1937. Cab cards issued on October 6, 1937. Certificate of insurance, mentioned in the Secretary's letter, of date May 18, 1937, was received on May 15, 1937. Two certificates of insurance were filed on November 30, 1937, covering public liability and property damage. From time to time thereafter, other insurance certificates and equipment slips were filed by Patterson, and on August 14, 1939, customer list, showing eight customers residing in Colorado Springs and Denver, was filed by Mr. Patterson.

Applicant also had an interstate certificate, PUC No. 1021-I, under which his interstate operations were conducted. He, at all times, had insurance on file, covering said operation. In his letter of February 10, 1937, to the Commission, he indicated that his operations were being conducted under said interstate certificate, and asked to suspend his "B" permit, so

"that we will not have to make reports on it."

Reports were filed, covering the period from January 1, 1937 to August, 1940. Except one load, Denver to Pueblo in August, 1937, one load, Denver to Pueblo in September, 1937, one load, Denver to Pueblo, in August, 1938, one load, Denver to Pueblo in September, 1938, three loads in August, 1939, Denver to Pueblo, Canon City and Lamar, respectively, and two loads, Denver to Pueblo in September, 1939, all for Orchard Products Company, reports bore notations "Permit not used this month," "B-714 not used," and "No Mileage," etc.

On September 5, 1940, Patterson filed application with the Commission to transfer said Permit No. B-714 to Riss and Company, Inc. No action was had on the application until after a petition was filed, on February 27, 1941, by Riss and Company, for reinstatement of said permit, No. B-714. Petition recited that:

> "** petitioner is now the legal owner of said permit, subject to the approval of the Public Utilities Commission, by virtue of a contract of sale entered into by and between E. H. Patterson and your petitioner, dated August 10, 1940. That subsequent to said agreement said E. H. Patterson filed a petition in voluntary bankruptcy. That said sale has been approved by said Patterson's trustee and by the court having jurisdiction over said matters. That at the same time, your petitioner purchased said interstate rights from said Patterson, the operation of which by your petitioner has been approved by the Interstate Commerce Commission, and on which the final approval of transfer is now pending. That the sale of all of said rights is under one agreement, and said trustee in bankruptcy refuses to proceed with the contract for the sale of the interstate rights until the intrastate rights are likewise transferred."

The Petition also mentioned the certificates of insurance on file, and application for reinstatement by Patterson, upon which no formal action was taken, operations by Patterson under the permit, filing of customer lists, insurance, monthly road tax reports, etc., "without any question being raised as to his right to so operate." Said petition also averred that the:

> "Commission is without power to provide that under a 60-day suspension reinstatement must be applied for within said time or the same shall be automatically cancelled;"

that the designation of said permit as "B-714-I," or the attempted reinstatement of said permit as B-714-I, was without consent of said Patterson. On November 14, 1940, said Permit No. B-714-I was suspended for a period of six months from that date, under Decision No. 16170 (said order also containing an automatic cancellation clause.)

Said application for reinstatement and request for authority to transfer were set for hearing in Denver, on April 24, 1941, at 2:00 o'clock P.M., and heard at that time.

At the hearing, Patterson testified that, on August 10, 1940, he had arranged to sell his interstate certificate and contract permit, No. B-714, to Riss and Company, for one thousand five hundred dollars ($1,500.00), four hundred dollars ($400.00) of the consideration being for the permit; that, on September 19, 1941, he was adjudicated a bankrupt, one George Gould being appointed as Trustee; that application was

made to the Interstate Commerce Commission for authority to transfer said interstate authority, and Referee in Bankruptcy consented thereto; that, under his intrastate permit, he had hauled beans, oil, glassware, salt, etc., within the State, for Ady and Crow; that he asked for suspension of his permit, No. B-714, for a period of sixty days; that he was not notified that the time was about to expire within which he could reinstate; that he never authorized a change of permit number to B-714-I; that he thought his letter, of date May 24, 1937, must have gone to Carl Hoffman, a Commission Inspector, and probably, by him, was misplaced; that he had filed road tax reports, list of customers, and insurance for said permit, and did not know that it was not in good standing on the records of the Commission.

George R. Gould, Dodge City, Kansas, stated that he was Trustee in Bankruptcy for Patterson; that said permit had not been listed by the bankrupt as an asset of the estate, and it had not been included in the schedules; that Patterson had not been discharged; that Referee in Bankruptcy approved sale of interstate rights and also, when he had learned that Patterson had an intrastate permit which was included in the sale to Riss and Company, Inc., he had authorized the transfer of said permit.

It appeared from the files that the sale of interstate rights to Riss and Company had been authorized by the Interstate Commerce Commission. It further appeared that apparently a portion of the interstate rights involved were to be sold to J. H. Harris.

The record in the instant matter is somewhat involved. However, it clearly appears that, at the request of Patterson, his intrastate permit was suspended, effective March 1, 1937, for a period of sixty days, with the proviso that, unless reinstated prior to the expiration of said time, said permit, without further action by the Commission, should stand revoked, without right to reinstate. No action was taken by Patterson to reinstate said permit prior to May 1, 1937. He stated that, on May 24, 1937, he addressed a letter to the Commission, which was received on September 23, 1937, requesting that his

Permit No. B-714 be "put back in effect again, as I had it suspended for sixty days, and we are going to need it again." On September 24, 1937, the Secretary of the Commission notified him that permit had been cancelled, on account of his failure to request reinstatement within the period specified; that it would be necessary to make a new application, if he wanted to continue to operate as a private carrier. No. reply was received, and no action was taken by Patterson to have said permit reinstated by order of the Commission. In August or September, 1937, he hauled two loads. No further service was performed until August, 1938, when one load was hauled. Another load was hauled in September, 1938. In August, 1939, he hauled three loads. In September, 1939, he hauled two loads. All loads were picked up in Denver. Six shipments went to Pueblo, two went to Canon City, and one went to Lamar. No service was performed after September, 1939, by Patterson, and no operations were conducted by the Trustee in Bankruptcy. He did not list the permit in his schedules filed with Referee in Bankruptcy. It is obvious that, for practical purposes, Patterson did not need the permit. Service thereunder was very limited. Assuredly, it could not be considered to be a statewide operation. If reinstated, necessarily, service authorized under reinstatement order would be limited to that furnished or performed by Patterson. Applicant probably would not be interested in the permit in that event. If applicant, believing that said permit had been reinstated, in good faith, had conducted an extensive operation, and would be deprived of an established, lucrative business, if the application for reinstatement were denied, the Commission might try to find some equitable ground upon which order of reinstatement might be predicated. The record here does not present such a situation. In fact, the equities are to the contrary. Manifestly, it would be unfair to other carriers, after applicant was permitted to suspend his service, and neglected to comply with the requirements of the Commission relative to reinstatement, to now allow permit to be reinstated and pass into the hands of an operator with large resources, which may inaugurate and establish extensive statewide operations in

competition with carriers who have been in business for many years.

After careful consideration of the record, the Commission is of the opinion, and finds, that said application for reinstatement, and said application for authority to transfer said permit, should be denied.

O R D E R

IT IS ORDERED:

That said applications, Nos. 5454-PP and 5454-PP-A, be, and they hereby are, denied.

That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of October, 1941.

mw

(Decision No. 17775)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) B. H. HAMLIN, GREELEY, COLORADO,) PRIVATE CARRIER PERMIT NO. A-1165.)	CASE NO. 4882 ORDER TO SHOW CAUSE AND NOTICE OF HEARING.

October 18, 1941.

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Carrier Permit No. A-1165, pursuant to Sections 348-370, inclusive, Chapter 16, 1935 C. S. A., as amended, and that the authority of said respondent under said permit is as shown in Exhibit "A" hereto attached.

The Commission is informed and believes, and upon such information and belief alleges, that respondent has violated the provisions of said statute and the rules and regulations of this Commission governing private carriers by motor vehicle, in the following particulars:

1. That during the period January 1, 1941, to May 31, 1941, both inclusive, respondent transported numerous shipments of freight for persons, firms, and corporations, without having first entered into contracts with said persons, firms, and corporations covering said transportation, and that respondent failed to furnish and file with this Commission, prior to said transportation, a written statement containing the names and addresses of such persons, firms, and corporations, as shown by Exhibit "A" hereto attached; failed to file with this Commission duplicate copies of said contracts or memoranda of the terms thereof with said written statement; and failed to obtain approval of said list and contracts prior to the commencement of said transportation; contrary to the provisions of law and of Rule 10 of the rules and regulations governing private carriers.

2. That during the period January 1, 1941, to May 31, 1941, both inclusive, respondent failed to issue bills of lading covering all shipments, which are itemized in a manner so as to fully and clearly show the description and classification of the said shipments and rate charged for the transportation thereof, and does not file and keep copies of said bills for the period of two years; contrary to law and to Rule 21 of the rules and regulations governing private carriers; as shown by Exhibit "A" attached hereto.

3. That during the period January 1, 1941, to May 31, 1941, both inclusive, respondent failed and refused to issue and carry with each truck a load sheet or manifest, showing all shipments carried on said truck; contrary to law and to Rule 22 of the rules and regulations governing private carriers; as shown by Exhibit "A" attached hereto.

4. That the Commission is unable to determine whether or not the respondent assessed and collected the correct compensation for the services rendered, in accordance with the rates and charges applicable to such transportation, for the reason that said respondent did not make out and issue any freight bills covering receipt of payment of charges collected by respondent.

5. That said respondent has been, and is now, engaged in the business of operating as a common carrier by motor vehicle for the transportation of property over the public highways of this State, without first having obtained from this Commission a certificate declaring that the present and future public convenience and necessity require, or will require, such operation; as shown by Exhibit "A" hereto attached.

6. That said respondent has been, and is now, engaged in the business of operating as a common carrier by motor vehicle for the transportation of property over the public highways of this State, without first having obtained from this Commission a certificate declaring that

the present or future public convenience and necessity require, or will require, such operation, in that said respondent carries on his said operation under said permit under contracts with more than one person, firm, and corporation, as shown by Exhibit "A" hereto attached.

The Commission therefore finds that an investigation should be made and a hearing held by the Commission relative to said violations and the motor vehicle operations of respondent.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had, to determine if said respondent has, in any manner, violated the provisions of law and the rules and regulations of this Commission governing private carriers, and the terms and provisions of respondent's said Permit No. A-1165.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written verified answer filed with the Commission within ten days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending or revoking the permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 30th day of October, 1941, at ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1941.

BH

(Decision No. 17774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF OTTO SPETH, YUMA, COLORADO, P. U. C. NO. 947.	CASE NO. 4883 ORDER TO SHOW CAUSE AND NOTICE OF HEARING

Oct. 18, 1941.

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of certificate of public convenience and necessity No. 947, pursuant to Sections 390-327, inclusive, of Chapter 16, C. S. A., as amended.

The Commission is informed and believes, and upon such information and belief alleges, that respondent has violated the provisions of said statute and the rules and regulations of this Commission governing motor vehicle carriers, in the following particulars:

1. That during the period January 1, 1941, to May 31, 1941, both inclusive, respondent failed to issue bills of lading covering all shipments which are itemized in a manner so as to fully or clearly show the description and classification of said shipments, and the rate charged for the transportation thereof, and does not file and keep copies of said bills of lading for the period of two years, contrary to Rule 30 of the Rules and Regulations Governing Motor Vehicle Carriers; as shown by Exhibit "A" attached hereto.

2. That during the period January 1, 1941, to May 31, 1941, both inclusive, respondent failed and refused to issue, and carry with each truck, a load sheet or manifest showing all shipments carried on said truck, contrary to law and to Rule 31 of the Rules and Regulations Governing Motor Vehicle Carriers, as shown by Exhibit "A" hereto attached.

3. That during the period January 1, 1941, to May 31, 1941, both inclusive, respondent assessed and collected a different compensation for services rendered than the rates and charges applicable to such transportation as specified in respondent's tariffs and schedules on file in the office of this Commission, contrary to law and to Rule 34 of the Rules and Regulations Governing Motor Vehicle Carriers.

The Commission therefore finds that an investigation should be made and a hearing held by the Commission relative to said violations and the motor vehicle operations of respondent.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had, to determine if said respondent has, in any manner, violated the provisions of law and the rules and regulations of this Commission governing motor vehicle carriers, and the terms and provisions of respondent's said Certificate No. 947.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by verified written answer filed with the Commission within ten days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending or revoking the certificate heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 30th day of October, 1941, at ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thomas

Edward E Carlson

Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1941.

BH

(Decision No. 17775)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF J. S. SELLERS, ELIZABETH, COLORADO, P. U. C. NO. 530.	CASE NO. 4684 ORDER TO SHOW CAUSE AND NOTICE OF HEARING.

Oct. 18, 1941.

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of certificate of public convenience and necessity No. 530, pursuant to Sections 300-327, inclusive, Chapter 16, 1935 C. S. A., as amended, and that the authority of said respondent under said certificate is as shown in Exhibit "A" hereto attached.

The Commission is informed and believes, and upon such information and belief alleges, that respondent has violated the provisions of said statute and the rules and regulations of this Commission governing motor vehicle carriers, in the following particulars:

1. That during the period January 1, 1941, to April 30, 1941, both inclusive, respondent failed to issue bills of lading which are itemized in a manner so as to fully and clearly show the description and classification of the shipments covered thereby and the rate charged for the transportation thereof, and does not file and keep copies of said bills for a period of two years, as shown by Exhibit "A" hereto attached; contrary to law and to Rule 30 of the Rules and Regulations Governing Motor Vehicle Carriers.

2. That during the period January 1, 1941, to April 30, 1941, both inclusive, respondent failed to file complete monthly reports with the Commission, as required by law and Rule 27 of the Rules and Regulations Governing Motor Vehicle Carriers, and within the time prescribed by law for the filing of said reports, as shown by Exhibit "A" hereto attached.

3. That during the period January 1, 1941, to April 30, 1941, both inclusive, respondent assessed and collected a different compensation for the services rendered than the rates and charges applicable to such transportation, as specified in respondent's schedules on file in the office of this Commission, contrary to law and to Rule 34 of the Rules and Regulations Governing Motor Vehicle Carriers, as shown on Exhibit "B" attached hereto.

The Commission therefore finds that an investigation should be made and a hearing held by the Commission relative to said violations and the motor vehicle operations of respondent.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had, to determine if said respondent has, in any manner, violated the provisions of law and the Rules and Regulations of this Commission governing motor vehicle carriers, and the terms and provisions of respondent's said Certificate No. 530.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by verified written answer filed with the Commission within ten days from this date, why it should not enter an order, because of the aforesaid alleged violations, suspending or revoking the certificate heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 30th day of October, 1941, at ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ J. Thurman
Edward E. Meade
Walter Evans
Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1941.

BH

(Decision No. 17776)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED S. KELSO, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF FARM COMMODITIES, COAL AND ROAD SURFACING MATERIAL BETWEEN POINTS WITHIN A 100-MILE RADIUS OF DENVER, COLORADO, ELIMINATING SERVICE IN BOULDER, CLEAR CREEK AND GILPIN COUNTIES ON ROAD SURFACING MATERIALS.	)	APPLICATION NO. 5757-PP

Oct. 18, 1941.

S T A T E M E N T

By the Commission:

The instant application was set for hearing on October 8, 1941, at Denver, after due notice to applicant and interested competition. However, when said case was called, no appearances were entered.

However, inasmuch as the motor carrier associations have indicated that they have no objection to the granting of permits limited to the transportation of sand, gravel and other road surfacing materials, and coal from the northern Colorado coal fields to Denver, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That Fred Kelso, 4416 Yates Street, Denver, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and other road surfacing materials, between points within a radius of 100 miles of Denver, Colorado, eliminating any service in Boulder, Clear Creek and Gilpin Counties;

and coal from the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L V D Thomas

Edward D. Beede

Mack Evins

Commissioners.

Dated at Denver, Colorado,
this 22nd day of October, 1941.

RH

(Decision No. 17777)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. MERLE VARSHOLTZ, ROUTE 1,) CASE NO. 16500-Ins.
MADISON, KANSAS, PERMIT C-13017.)

Oct. 18, 1941.

S T A T E M E N T

By the Commission:

On July 22, 1941, the Commission entered an order revoking Permit No. C-13017 for failure of respondent to have on file the necessary insurance required by law.

It now appears that effective insurance, without any lapse, was filed August 8, 1941, and we have been requested to reinstate said permit.

It further appears that our insurance department was in communication with the insurance agent of respondent at the time the cancellation order was entered, and had verbally agreed to withhold action in said matter until the agent could file proper certificate of insurance, but this fact was overlooked at the date of hearing.

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

O R D E R

IT IS ORDERED:

That our order of July 22, 1941, cancelling Permit No. C-13017, be, and the same is hereby vacated, and said permit is reinstated, effective as of July 22, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF OSCAR E. DIEHL, FLORENCE, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 605
IN THE MATTER OF THE APPLICATION OF OSCAR E. DIEHL, FLORENCE, COLORADO, FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 2172

October 20, 1941.

S T A T E M E N T

By the Commission:

On February 2, 1928, Decision No. 1569, Oscar E. Diehl was granted a certificate of public convenience and necessity, authorizing the transportation of freight between Florence and Pueblo. Thereafter, in Application No. 2172, authority was granted to the said Oscar E. Diehl to serve additional points. Said certificates, by the terms thereof, were not transferable.

Thereafter, on June 7, 1940, Decision No. 15514, the non-transferable provision was removed from said certificate.

The Commission is now advised that the said Oscar E. Diehl is deceased, and we have been requested by his widow, Effie Diehl, to transfer the certificate to her. The Commission wrote in an effort to ascertain if any probate was being had on the estate of Oscar E. Diehl, but the reply of Mrs. Diehl does not contain this information.

Upon the record as it exists, the Commission has determined to grant the transfer to Mrs. Diehl, subject to the right of any creditors or other heirs, if any there be, to have said transfer set aside upon proper showing.

O R D E R

IT IS ORDERED:

That the certificate of public convenience and necessity, heretofore

issued to Oscar E. Diehl in Application No. 605 and Application No. 2172, as amended by our Decision No. 15514 of June 7, 1940, be, and the same is hereby, transferred to Effie Diehl, doing business as Diehl Truck Service, subject to the right of any creditors or other heirs of the said Oscar E. Diehl, if any there be, to move to set this transfer aside upon proper showing.

The Commission retains jurisdiction in the instant matter for the purpose of making such further order or orders as it may deem necessary.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1941.

BH

(Decision No. 17779)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
AMEL GEORGE, CANON CITY, COLO-) CASE NO. 13513-Ins.
RADO, PRIVATE PERMIT NO. B-2358.)

Oct. 20, 1941.

S T A T E M E N T

By the Commission:

On May 27, 1940, the Commission entered an order cancelling Permit No. B-2358 for the failure of respondent, Amel George, to keep on file the necessary insurance required by law.

It now appears that the said Amel George was also the owner of a "C" permit at the time of the cancellation of his "B" permit, and insurance was on file covering said "C" permit which was afterwards corrected by the insurance agent to cover both permits.

It therefore appears that no lapse of insurance occurred so far as said "B" permit is concerned, and we have been requested to reinstate the same.

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

O R D E R

IT IS ORDERED:

That our decision of May 27, 1940, be, and the same is hereby, set aside and said Permit No. B-2358 is reinstated as of May 27, 1940.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1941.

BH

(Decision No. 17780)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF WILLIAM F. ACKLEY, DOING BUSINESS AS ACKLEY TRUCK LINE, SNYDER, COLORADO, CERTIFICATES NOS. 620 and 1112-I, AND PRIVATE CARRIER PERMIT NO. A-18.	)	CASE NO. 4875

Oct. 20, 1941.

Appearances: E. B. Evans, Jr., Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

The respondent above named having adjusted the matters and things complained about in the above-styled complaint, E. B. Evans, Attorney for the Commission, has requested that said complaint be dismissed.

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 ORDERED:

That the above-styled case be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ D. Thurman

Edward V. Meade

Walter Ewin

Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1941.

BH

(Decision No. 17781)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TURE NELSON, SEDGWICK, COLORADO,) CASE NO. 15910-Reports.
P. U. C. NO. 858.)

Oct. 20, 1941.

S T A T E M E N T

By the Commission:

On May 14, 1941, the Commission entered an order revoking Certificate No. 858 for failure of respondent to file reports for the period September 1, 1940, to February 28, 1941.

It now appears that said road reports for the months of September, October, November and December, 1940, were filed by respondent on May 19, 1941, and for January and February, 1941, were filed on July 30, 1941, and we have been requested to reinstate this certificate.

In view of the circumstances and compliance by respondent with our rules and regulations with regard to the filing of reports, we have determined to grant the request and reinstate said certificate. However, the record of respondent, so far as compliance with our insurance requirements as well as his filing of monthly reports, is none too good, and the Commission desires to warn him that in future his delinquencies will not be overlooked.

O R D E R

IT IS ORDERED:

That our decision of May 14, 1941, cancelling Certificate No. 858, be, and the same is hereby, set aside, and said certificate is reinstated, effective the 14th day of May, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1941.

BH

(Decision No. 17782)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAVID BAKER, DURANGO, COLORADO, FOR) APPLICATION NO. 5659-PP
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

October 20, 1941.

Appearances: David Baker, Durango, Colorado, pro se;
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 matter was heard at Durango, Colorado, on August 15, 1941.

Applicant testified that he desired a Class "B" permit for the transportation of laundry, bakery goods and his own milk to a C. C. C. Camp at Vallecito from the City of Durango, Colorado, over State Highway No. 284 and county road running from Durango to Vallecito.

It appeared that applicant owns a GMC pick-up 1937 truck, rated at one-half ton.

The Commission finds that there were no protests, and that the authority should be granted, except for the transportation of his own milk, for which he will require a Commercial Carrier Permit.

IT IS ORDERED:

That David Baker is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of laundry and bakery goods to a C. C. C. Camp at Vallecito from the City of Durango, Colorado, over State Highway No. 284 and county road running from Durango to Vallecito.

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

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

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1941.

mw

(Decision No. 17783)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. E. RIDGLEY, DOING BUSINESS AS "SOUTH SIDE MOVING AND STORAGE COMPANY," 534 SOUTH BROADWAY, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 507 TO SOUTH SIDE MOVING AND STORAGE, INC., 534 SOUTH BROADWAY, DENVER, COLORADO.

APPLICATION NO. 1613-A

October 20, 1941

Appearances: Charles R. Enos, Esq., Denver, Colorado, for the applicants; TrumanA. Stockton, Jr., Esq., Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

E. E. Ridgley, of 1365 South Vine Street, Denver, Colorado, doing business as "South Side Moving and Storage Company," is the owner of Colorado PUC 507, and desires to transfer said certificate to South Side Moving and Storage, Inc., of 534 South Broadway, Denver, Colorado.

It appeared from the testimony that transferor has two vans, one a White and one a Federal, together with other equipment, as set forth in Exhibit No. 1, admitted in evidence, and attached to the petition, which equipment he stated he would transfer to transferee, upon approval of the transfer by the Commission.

Exhibit No. 2, admitted in evidence, and attached to the application, is a certified copy of Articles of Incorporation of South Side Moving and Storage Company, Inc.

E. E. Ridgley testified that the stockholders and officers of transferee are: George W. Wiederspan, Ridgley's wife and himself. Mr. Enos stated that the plan was to sell control of the company to Wiederspan.

There appeared to be no indebtedness against the operation, and the financial responsibility and operating experience of transferee were established by the evidence.

The Commission finds that the authority should be granted.

IT IS ORDERED:

That E. E. Ridgley, doing business as "South Side Moving and Storage Company," is hereby authorized to transfer to South Side Moving and Storage Company, Inc., a Colorado corporation, PUC No. 507.

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V A Thurman

Edward V. Beeler

Grace Griswold

Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1941.

mw

(Decision No. 17784)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WALTER ARNOLD AND I. G. ARNOLD, DOING BUSINESS AS "ARNOLD BROTHERS," STEAMBOAT SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1387 TO C. I. HALLQUIST AND BASIL HALLQUIST, DOING BUSINESS AS "VALLEY TRANSFER COMPANY," STEAMBOAT SPRINGS, COLORADO.

APPLICATION NO. 2979-PP-AA

October 23, 1941

Appearances: Walter Arnold, Steamboat Springs, Colorado, pro se;
H. Basil Hallquist, Steamboat Springs, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Larson Transportation Company, Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

On February 25, 1936, by Decision No. 7269, Permit No. B-1387 was issued to I. G. Arnold of Steamboat Springs, Colorado.

Thereafter, on January 19, 1938, by Decision No. 11261, said permit was transferred to I. G. Arnold and Walter Arnold, doing business as "Arnold Brothers," the transferors in the instant case.

Authority is now sought to transfer said permit to C. J. and H. Basil Hallquist, doing business as "Valley Transfer Company."

The evidence disclosed that the consideration to be paid for said permit, including one truck, is the sum of one thousand seven hundred dollars ($1,700.00). It was further developed that no obligations are outstanding against the operations under said permit by transferors.

The financial statement of transferees shows an estimated net worth of approximately twenty thousand dollars ($20,000.00).

No evidence was interposed in opposition to said 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 ORDERED:

That Walter Arnold and I. G. Arnold, doing business as "Arnold Brothers," Steamboat Springs, Colorado, be, and they are hereby, authorized to transfer all of their right, title and interest in and to Permit No. B-1387 to C. I. Hallquist and H. Basil Hallquist, doing business as "Valley Transfer Company," Steamboat Springs, Colorado.

The right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1941.

mw

(Decision No. 17785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-2418
L. C. Bennett)
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. C. Bennett of Hudson, Colorado, requesting that his Permit No. C-2418 be cancelled.

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 Permit No. C-2418, heretofore issued to L. C. Bennett be, and the same is hereby, declared cancelled effective as of March 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-2911
J. D. Deldosso, d/b/a)
Deldosso Coal Co)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. D. Deldosso, d/b/a Deldosso Coal Co & J. W. Hawley of 1st Nat'l Bank Bldg., Trinidad, Colo requesting that his Permit No. C-2911 be cancelled.

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 Permit No. C-2911, heretofore issued to J. D. Deldoss, d/b/a Deldosso Coal Co be, and the same is hereby, declared cancelled effective, as of March 31, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V J Thurman

Edward L Stanley

Brad Simmons

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17787)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. L. Hay)
)
)
)

PERMIT NO. C-7643

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. L. Hay of Rt 3, Box 195, Greeley, Colo, requesting that his Permit No. C-7643 be cancelled.

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 Permit No. C-7643, heretofore issued to C. L. Hay be, and the same is hereby, declared cancelled effective, as of August 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Thurman

Edward D. Keeler

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 1941.

G

(Decision No. 17788)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
John Delaney) PERMIT NO. C-12640
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Delaney of Rt 3, Fremont, Nebraska, requesting that his Permit No. C-12640 be cancelled.

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 Permit No. C-12640, heretofore issued to John Delaney be, and the same is hereby, declared cancelled effective, as of September 28, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17789)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Cecil M. Weddle) PERMIT NO. C-2955
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Cecil M. Weddle of 4893 So Sherman, Englewood, Colo. requesting that his Permit No. C-2955 be cancelled.

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 Permit No. C-2955, heretofore issued to Cecil M. Weddle be, and the same is hereby, declared cancelled effective, as of October 2, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V D Thurman

Edward W. Bowles

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17790)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-7161
George E. Lee)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George E. Lee of Box 503, Durango, Colorado, requesting that his Permit No. C-7161 be cancelled.

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 Permit No. C-7161, heretofore issued to George E. Lee be, and the same is hereby, declared cancelled effective as of October 5, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41

G

(Decision No. 17791)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
August Musilli)
)
)
)

PERMIT NO. C-11573

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from August Musilli of 116 W 7th St., Walsenburg, Colo., requesting that his Permit No. C-11573 be cancelled.

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 Permit No. C-11573, heretofore issued to August Musilli be, and the same is hereby, declared cancelled effective , as of October 6, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41

G

(Decision No. 17792)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Joe Marabella) PERMIT NO. C-13235
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Marabella of 800 Pierre, Shreveport, Louisiana requesting that his Permit No. C-13235 be cancelled.

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 Permit No. C-13235, heretofore issued to Joe Marabella be, and the same is hereby, declared cancelled effective as of October 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thomas

Edward E. O'Toole

Thomas Tuttle

Commissioners.

Dated at Denver, Colorado,
this 22d day of October 1941.

G

(Decision No. 17793)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Floyd W. Coleman)
)
)
)

PERMIT NO. C-12280

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Floyd W. Coleman of Palisade, Colorado, requesting that his Permit No. C-12280 be cancelled.

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 Permit No. C-12280, heretofore issued to Floyd W. Coleman be, and the same is hereby, declared cancelled effective, as of October 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41

G

(Decision No. 17794)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Max Gardenswartz) PERMIT NO. C-12916
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Max Gardenswartz of 2349 Court Place, Denver, Colorado requesting that his Permit No. C-12916 be cancelled.

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 Permit No. C-12916, heretofore issued to Max Gardenswartz be, and the same is hereby, declared cancelled effective, as of October 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 1941.

G

(Decision No. 17795)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
H. Dinner & R. M. Slapper)
)
)

PERMIT NO. C-10909

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. Dinner & R. M. Slapper of La Salle, Colorado, requesting that his Permit No. C-10909 be cancelled.

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 Permit No. C-10909, heretofore issued to H. Dinner & R. M. Slapper be, and the same is hereby, declared cancelled effective as of October 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17796)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
G. W. Barrett) PERMIT NO. C-13191
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. W. Barrett of Palisade, Colorado, requesting that his Permit No. C-13191 be cancelled.

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 Permit No. C-13191, heretofore issued to G. W. Barrett be, and the same is hereby, declared cancelled effective, as of October 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17797)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Clarence E. Mosher) PERMIT NO. C-13158
)
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clarence E. Mosher of Steamboat Springs, Colorado, requesting that his Permit No. C-13158 be cancelled.

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 Permit No. C-13158, heretofore issued to Clarence E. Mosher be, and the same is hereby, declared cancelled effective, as of October 13, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17798)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-11783
P. R. Ratcliff)
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from P. R. Ratcliff of 623 South Main, Eldorado, Kansas, requesting that his Permit No. C-11783 be cancelled.

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 Permit No. C-11783, heretofore issued to P. R. Ratcliff be, and the same is hereby, declared cancelled effective as of October 14, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Newman

Edward E. Dunbar

Susan Eaton

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41

G

(Decision No. 17799)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Jack Weaver) PERMIT NO. C-11294
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jack Weaver of Rt 2, Berthoud, Colorado, requesting that his Permit No. C-11294 be cancelled.

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 Permit No. C-11294, heretofore issued to Jack Weaver be, and the same is hereby, declared cancelled effective , as of October 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thurman

Edward D Carlson

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17800)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12529
Glen Oppie)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Glen Oppie of 5141 Stout, Denver, Colorado, requesting that his Permit No. C-12529 be cancelled.

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 Permit No. C-12529, heretofore issued to Glen Oppie be, and the same is hereby, declared cancelled effective, as of October 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Newman

Edward D. Beasley

Mason Gunn

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 1941.

G

(Decision No. 17801)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
B. E. & M. H. Chamberlin)
d/b/)
Chamberlin Bros.)

PERMIT NO. C-12871

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from B.E. & M.H. Chamberlin dba Chamberlin Bros. Craig, Colorado, requesting that his Permit No. C-12871 be cancelled.

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 Permit No. C-12871, heretofore issued to B. E. & M. H. Chamberlin d/b/a Chamberlin Bros. be, and the same is hereby, declared cancelled effective, as of October 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41

G

(Decision No. 17802)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Chas. Trunkenbolz) PERMIT NO. C-10366
)
)

October 22, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles Trunkenbolz of Brighton, Colorado, requesting that his Permit No. C-10366 be cancelled.

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 Permit No. C-10366, heretofore issued to Charles Trunkenbolz be, and the same is hereby, declared cancelled effective, as of October 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22d day of October, 19 41.

G

(Decision No. 17803)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
WILLIAM BRONNER, OLNEY SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 5761-PP
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

October 23, 1941.

Appearances: William Bronner, Olney Springs, Colorado, pro se;
T. G. Allumbaugh, Ordway, Colorado, for Allumbaugh & Williams Truck Line.

S T A T E M E N T

By the Commission:

At the hearing, applicant stated that so far as farm products are concerned, he desired to limit his application for authority to transport loose hay, only.

In view of this statement by applicant, all objections to the granting of the authority sought were withdrawn.

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

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

O R D E R

IT IS ORDERED:

That William Bronner, of Olney Springs, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal and loose hay, only, between points in Crowley County and from points in Crowley County to and from Canon City and Colorado Springs.

All operations hereunder shall be strictly contract operations,

the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

The right of applicant to operate hereunder shall depend upon his compliance with all pres nt and future laws and rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1941.

BH

(Decision No. 17804)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF JOSEPH FRAZZINI, DENVER, COLORADO, ATTORNEY IN FACT FOR SILVIA MAPELLI, WIDOW OF JOSEPH MAPELLI, DECEASED, FOR AUTHORITY TO TRANSFER PERMIT NO. A-748 TO SILVIA MAPELLI, DOING BUSINESS AS NORTHERN DISTRIBUTING COMPANY, 1531 WYNKOOP STREET, DENVER, COLORADO.	APPLICATION NO. 5773-A

October 23, 1941.

Appearances: Joseph Frazzini, 3131 West Clyde Place, Denver, Colorado, Attorney in Fact for Silvia Mapelli, Transferee.

S T A T E M E N T

By the Commission:

Heretofore, Joseph Mapelli was granted a private carrier permit, No. A-748, on June 25, 1934, by virtue of which he was authorized to haul freight over the following described routes:

> Denver to Colorado-Wyoming state line and intermediate points, via U. S. Highways 85 and 285 and Colorado Highway No. 1; Denver to Limon and intermediate points, via U. S. Highway 40; Denver to Nederland and intermediate points, via Boulder, on Colorado Highway No. 118, U. S. Highway No. 285, and Colorado Highway No. 7; Denver to Estes Park, via U. S. Highway No. 285 and intermediate points, and Colorado Highway No. 16 and 66; Denver to Wiggins and intermediate points, via Colorado Highway No. 81; Denver to Littleton, via U. S. Highway No. 85.

We are now in receipt of a letter from Joseph Frazzini, dated October 18, 1941, requesting that said permit be transferred to Silvia Mapelli. Enclosed with this letter was certified copy of "Power of Attorney" recorded in Book 5181, at Page 295 of the Records of the Clerk and Recorder of the City and County of Denver and State of Colorado, which power of attorney was executed by Silvia Mapelli on September 13, 1937, and authorized Joseph Frazzini to look after all of the business interests of

the said Silvia Mapelli. Also enclosed with the letter was a certified copy of Decree of Heirship and Decree of final Settlement, issuing out of the County Court of the City and County of Denver in Docket No. 55236, of the Estate of the said Joseph Mapelli, awarding all property belonging to said Joseph Mapelli, including all his right, title and interest in and to said Colorado Private Carrier Permit No. A-748, to Silvia Mapelli, as his widow and sole heir.

The Commission finds:

The operating experience and pecuniary responsibility of transferee are satisfactory.

That all right, title and interest of Joseph Mapelli, deceased, in and to Private Carrier Permit No. A-748 should be transferred to Silvia Mapelli, the widow and sole heir of Joseph Mapelli.

That no formal application or hearing is necessary in this matter, in view of the fact that the County Court of the City and County of Denver transferred said permit to Silvia Mapelli.

O R D E R

IT IS ORDERED:

That all right, title and interest of Joseph Mapelli, Deceased, in and to Private Carrier Permit No. A-748, heretofore belonging to said Joseph Mapelli, is hereby transferred to Silvia Mapelli, doing business as Northern Distributing Company, Denver, Colorado.

The right of transferee to operate under this order shall depend upon her compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1941.

BH

(Decision No. 17805)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
VERNE DECKER, HAYDEN, COLORADO, FOR)
A CLASS "A" PERMIT TO OPERATE AS A) APPLICATION NO. 5772-PP
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

October 23, 1941.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from Sleepy Cat Mine, about nine miles south of Hayden, and from Crowbar Coal Company Mine, about six miles south of Hayden on same road, to railroad loading point at Hayden, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

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 ORDERED:

That Verne Decker, Hayden, Colorado, is hereby authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from Sleepy Cat Mine, about nine miles south of Hayden, and from Crowbar Coal Company Mine, about six miles south of Hayden on the same road, to railroad loading point at Hayden, Colorado.

All operations hereunder shall be strictly contract operations,

the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1941.

BH

(Decision No. 17806)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK E. NICHOLS, GOLDEN, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5760-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HECLE FOR HIRE.)

Oct. 23, 1941.

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
Harold Swena, Golden, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
LaNear Frank, Dailey, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above matter was set for hearing at Denver, Colorado, on October 14, 1941, at 10:00 o'clock A. M.

Applicant failed to appear, either in person or by counsel, for hearing, due notice of the time and place thereof having been forwarded to him.

A. J. Fregeau moved to dismiss the application for failure to prosecute.

The Commission finds that the motion to dismiss should be granted.

IT IS ORDERED:

That said application is hereby dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1941.

BH

(Decision No. 17807)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. I. HALLQUIST AND BASIL HALLQUIST, DOING BUSINESS AS "VALLEY TRANSFER COMPANY," STEAMBOAT SPRINGS, COLORADO, FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 1232.	APPLICATION NO. 3771-BB-AB
RE MOTOR VEHICLE OPERATIONS OF C. I. HALLQUIST AND BASIL HALLQUIST, DOING BUSINESS AS "VALLEY TRANSFER COMPANY," STEAMBOAT SPRINGS, COLORADO.	PERMITS NOS. B-1387 B-2067

October 23, 1941

Appearances: Winston S. Howard, Esq., Denver, Colorado, for the applicants;
Marion F. Jones, Esq., Denver, Colorado, for Leonard Gray;
John Love, Esq., Denver, Colorado, for R. W. and H. M. Greeley, Larson Transportation Company;
J. H. Shepherd, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On April 11, 1941, by Decision No. 16987, E. M. Harris, doing business as "Valley Transfer," was authorized to transfer his certificate of public convenience and necessity to applicants herein who, under said certificate, have authority to operate as common carriers by motor vehicle for hire, on call and demand, and not on schedule, for the transportation of:

> general commodities between points within that part of Routt County which lies east of the range line between Ranges 87 and 88, without

> the right to perform any service, except farm products, between towns on the line haul route of the Larson Transportation Company, and a general transfer and cartage business in the Town of Steamboat Springs.

They now seek to extend their authority under said certificate to include the right to transport farm products, generally, including livestock, and farm supplies, used household goods and farm equipment, new and used machinery within, to and out of the area described as:

> "On the west bounded by the west boundary line of Routt County, on the south bounded by the south boundary lines of Routt and Grand Counties; on the north by the Colorado-Wyoming State Line; on the east by the boundary line between Jackson and Larimer Counties to a point where the boundary lines of Jackson, Grand and Larimer Counties join, and from thence south on the east boundary line of Jackson County to a point on a line running north and south through Granby, Colorado; thence south on such line to the intersection of such line at right angles with an extension of the southern boundary of Routt and Grand Counties,"

without the right to haul commodities ordinarily handled by line haul carriers between points served by said carriers.

At the hearing, it developed that said applicants have a "B" permit, No. B-2067, which authorizes the transportation of:

> farm products, including livestock, and timber from point to point within a ten-mile radius of his ranch home, located on Elk River, thirteen miles north of Steamboat Springs; farm products, including livestock, coal and farm supplies between points in the above-described area around his ranch home and points within a twenty-five-mile radius of applicant's ranch home; livestock to Denver market, with backhaul of livestock to ranches within ten miles of his Elk River ranch home, all of which service shall be for ranchers residing within the territory first above described, with the proviso that no transportation service should be performed between towns on the lines of common carriers operating on schedule.

Further, that applicants have purchased, or entered into a contract to purchase, Private Carrier Permit No. B-1387, of Arnold Brothers, which authorizes the transportation of:

> farm products from ranch to ranch, from ranches to shipping points, mill and elevators within an area extending fifteen miles north, six miles east, fifteen miles south and fifteen miles west of Steamboat Springs; grain from said area to points in Routt, Moffat and Jackson Counties; coal from mines situated in the above-described area to customers residing therein; livestock from ranch to ranch in said area, from ranches to shipping points therein, and to Denver, and to points outside the area in Routt and Moffat Counties; livestock in less than carload lots from Denver to the first-described area around Steamboat Springs, with the proviso that applicant shall not engage in competitive transportation service between towns along the lines of common carriers then operating on schedule.

It appeared that applicants, collectively and individually, have five trucks and a pickup; that, in addition thereto, they have assets of the approximate value of twenty thousand dollars ($20,000.00) and are pecunarily able to purchase additional equipment, if needed; they they now live about five miles north of Steamboat Springs, on Elk River, where they have lived for five years since moving from Julesburg, Colorado; that, for the most part, their transportation service under their "B" permit, and the common carrier certificate recently acquired, has been limited to hauling farm products and livestock; that, under their certificate, they have been unable to adequately handle the transportation needs of the people residing in said area granted and sought who demand their services; that, generally speaking, they want to add an in and out service, to and from their present territory, from and to other parts of the State, and a point to point and in and out service in the extended area. Basil Hallquist supervises the operation, and drives a truck, occasionally. They maintain an office with a girl in charge. They seek to furnish a complete farm and ranch service. C. I. Hallquist was a farmer. His son, Basil, was raised on a farm. He knows how to handle livestock, and to otherwise care for the needs of farmers in the transportation field. Cattle and sheep are produced, and sheep are summer-pastured in area. Sheep and lambs require movement to and from pastures, or to railheads in area or directly to outside markets. He stated that their customers are well

satisfied with the service furnished; that there has been considerable demand for the movement of grain from Routt County to Jackson, Grand and Denver Counties, and for the transportation of wool from ranches in said Routt County, and from the extended area which they seek to serve, to Steamboat Springs, Craig and Hayden, said points being located on the line of The Denver and Salt Lake Railway, wool moving from said points to markets by rail, with occasional requests for movement of wool to other points, including Denver; that excellent potatoes, suitable for seed, are raised in Routt County, and they have been asked to move truckloads to Grand Junction, Greeley and other potato-growing sections of the State; that while most potatoes move by rail, some customers cannot handle a carload; that while oats and barley are produced in Routt County, corn, for the most part, is brought in from other parts of the State to feed cattle during the winter; that cotton cake and commercial feeds move in from Denver to be fed stock cattle, dairy cattle and chickens; that other farm supplies, such as salt, wool sacks, potato sacks, branding paint, used farm machinery, including tractors, also move in from Denver and other points, used farm machinery, second-hand barb wire, wire cribbing, steel posts frequently being purchased by residents of the area at "down east farms," which thereafter must be moved to Routt County farms; that, occasionally, farmers have moved in from eastern Colorado; that when they move, they want all their possessions moved on the same trucks; that sometimes household goods are purchased at sales in eastern Colorado and elsewhere, and shipped to points in the area, while locally, from time to time, it is necessary to move a farmer or one of his hands or tenants between farms or ranches in the area, or from town to ranch or ranch to town; that new farm machinery moves to ranches from Steamboat Springs and Hayden, with back-haul of trade-in machinery.

Witness Basil Hallquist described the needs of various sections he seeks to serve, separately. The so-called "Snake River area," which is in the northern part of Routt County, is not served by rail-

road. People in the area claim they are without transportation service. It developed that one W. L. Jones is authorized to haul livestock in the territory, but apparently devotes his time to interstate service. Occasionally, ranchers buy livestock at auction yards around Greeley, Fort Collins, Longmont, or want livestock moved to said auction yards.

The Hahns Peak Basin area, which in part is served by applicants under their "B" permit, is located south of the Snake River area. Many sheep are summered there, and six or eight ranchers run cattle.

The Elk River area extends south from the Hahns Peak area as far as U. S. Highway No. 40. It also is served by applicants under their "B" permit. Farmers in said area engage in more diversified farming than in territory farther north. Hogs, chickens and other poultry, sheep and cattle are raised.

The Yampa Valley includes the section from Steamboat Springs west on U.S. Highway No. 40, in part, also is served under applicants' "B" permit. Yampa Valley area is also served, in part, by Arnold. Commercial carriers also are very active, because of inadequate for-hire service.

Morgan Bottoms, which lie between Hayden and Mount Harris, north of U. S. Highway No. 40, require service. Probably eight or ten large ranches are in the area. Hay, grain and livestock are produced. Grain moves to Hayden and Grand Junction, stock to Denver or rail head; sheep to winter range, near Maybell. Cotton cake, feed and other farm supplies must be hauled by truck to ranches.

The territory in southern Routt County around Toponas and Yampa makes up another section of Routt County. There has been some request for movement of feed from Grand County to points in the area. Also, stock and feed to and from points in Grand County, from and to points in the area for D. E. Barrard, Reger and Grimes. Some lettuce and other garden truck is produced which goes to Denver and other markets.

Twenty-mile Park is southwest of Steamboat Springs, and extends

to Dunklee, about thirty miles. Arnold, whose permit applicants are acquiring, has served the territory. Large quantities of farm products are raised. Grain and other commodities move to Grand Junction. Brew barley goes to Golden. Furniture is handled from point to point. Sheep and cattle to Denver, and cattle from Greeley and Longmont to points in the area sometimes move by truck.

Stanley Valley, which extends south of Steamboat Springs to Phippsburg, also is served by Arnold. Large quantities of potatoes are produced. Seed potatoes and commercial potatoes move to Denver and other points in the State. Frequently, they have been asked to handle livestock and potatoes to Denver. Large quantities go by rail. Hay also goes to Denver, most of which is handled by Commercial Carriers -- sometimes for hire.

Witness stated that, occasionally, he had been stopped in Grand County, and asked to haul material in, and feed and dry beet pulp back. He also has been asked to haul grain into Jackson County from Routt County, and grain from Larimer, feed and salt from Denver and Longmont to Jackson County, for Jack White.

The so-called "Slater Area" extends from the northeast corner of Moffat County into the northwestern part of Routt County. Winter arrives early. Stock must be moved in early Fall to market or to winter pasture. Supplemental feeds must be shipped in for stock remaining there. In excess of one hundred thousand sheep are summered in the area. They must be moved in the Fall. Sufficient trucks are not available. The area is also served by W. L. Jones, but, according to some four or five ranchers with whom applicant has discussed the matter, Jones is unable to handle the movement. Some seed potatoes are produced. They must move promptly because, ordinarily, they are held until Spring, and shippers do not want them out of the cellar very long, as they deteriorate rapidly.

On cross-examination, he admitted that commodities, generally speaking, are now moved in and out of the area; they they are being

moved by common, private and commercial carriers.

Albert P. Salsbury, a rancher in the Snake River country who handles sheep, William Biddle, of Hahns Peak, who produces cattle, Joe Ireland, of Hahns Peak, who ranches in said area and has two farms northeast of Denver, Elmer Ireland, his son, who ranches at Hahns Peak, Ed Hinman, who raises cattle and sheep on his ranch about eight miles northwest of Kremmling, Ralph K. Warick, a rancher of Morgan Bottoms, and F. C. Patton, who lives near Elk Mountain, all testified for applicants.

From their testimony, it appeared that the Hallquist service has been very satisfactory; that it has been difficult to get trucks, at times, for movement of sheep from the Snake River country to Steamboat Springs, Hayden or Craig, and it is not satisfactory to drive sheep or cattle; that graveled roads wear their feet; that, due to restrictions under the Taylor Grazing Act, stock must be kept on the road, otherwise the trailer is considered a trespasser; that cattle and sheep now are moved to railheads by truck, where formerly they were trailed; that Hallquists get the job done, even in bad weather, they frequently moving trucks over bad roads by means of a caterpillar tractor; that some sheep, after summering in National Forests, are moved out of Jackson County to Steamboat Springs, Kremmling, Hebron, and other rail points; that grain moves into Jackson County; that feeds and other farm supplies are required during the winter months.

Witnesses, on cross-examination, conceded that Gray's services, where available, have been satisfactory. There was some complaint about Larson's service, but on the whole, witnesses agreed that it was good.

Reynolds, of Grand County Transportation Company, stated that he had six trucks and two trailers, equipped with stock racks; that he actively solicited livestock hauling, advertising in the papers, and sending cards; that he handles ninety percent of the pure bred business, including Taussig's, DeBarrard's, Grimes', Knight's, Hinman's, and others; that he maintains telephone service twenty-four hours at Kremmling,

Granby and Fraser, and has equipment at the three places mentioned; that it is a problem to keep his trucks busy, they being occupied about fifty percent of the time; that they have about three months rush business in the year; that he is able to rent equipment, when necessary; that his farm service has been adequate; that he is able to continue to furnish such service.

Two witnesses from Grand County testified that Grand County Transportation Service was adequate, especially for the movement of such grain, feeds, salt, farm implements, etc., as might be required from truckers.

Mrs. Greeley, representing the Greeley Truck Service of Walden, Colorado, stated that they served Jackson County under a call and demand certificate; that Winscom and Dodge also operate for-hire carrier services in said county; that said truckers work together; that additional service was not required, especially in view of the fact that everyone was patronizing the railroad, due to application to abandon service; that, at one time, they hauled feeds from Greeley, Longmont and Fort Collins to the ranches, livestock and hay out; that now, except for commodities handled by Commercial Carriers and shipper-owner trucks, said commodities are moved by rail; that livestock also is handled by Wolf, Yockey, Harrison and Harbison, who headquarter near Fort Collins, and have authority to serve from and to Jackson County.

Stanley Larson described the service of Larson Transportation Company. Its call and demand service extends to points within a radius of fifty miles of Steamboat Springs, and covers most of the territory applicant seeks to serve. He stated that his company maintains a large fleet of trucks, including stock and grain bed equipment, four-wheel trailers, vans, pickups, etc., and has an investment amounting to sixty thousand dollars; that they have hauled livestock since 1925; that they have not handled grain in quantity, because about fifty ranchers want the service at the same time; that a number of "A" and "B"

carriers, the Comet Motor Express and members of the Colorado Transfer and Warehousemen's Association have authority to handle commodities in and out of the area; that most of the feed is shipped in by rail; that there is no movement of corn by truck; that corn moves from Nebraska or Kansas, the rate, Denver to Steamboat Springs amounting to nine cents per hundred pounds; that cake also is moved on a through rail rate; that, in his opinion, the service is adequate, although he did not know anything about the volume of livestock handled by his concern, or what solicitation, except occasional newspaper ads, was made by his local agents. He headquartered at Denver.

On cross-examination, it appeared that witness had not opposed application of Leonard Gray, heard the same day, to extend his authority to include transportation of livestock and farm products to and from that part of Routt County not now included in Gray's authority, from and to other points in the State.

Leonard Gray, PUC 880, has three trucks. He has been moving livestock since 1926, except for a few years that he was out of business. Last year he moved one thousand cattle, and about seven thousand sheep. He opposes granting authority for the movement of cattle and farm products between Moffat County and Routt County, and the extension sought west of Range 87. He stated that he did not object to extension of present authority to include in and out service — otherwise, and admitted more service perhaps was needed in the territory immediately west of Hayden. It also appeared that he seeks and, in hearing had same day, testified that public convenience and necessity require the extension of his authority to include transportation of livestock and farm products from and to that part of Routt County not now served by him.

S. D. Sefton, of the Traffic Department of the Denver and Salt Lake Railroad Company, testified about freight service provided by said line. Two regular trains are operated out of Denver to points in Moffat and Routt Counties. Local freight trains are operated eastbound

regularly, especially for movement of livestock. Volume of business has been decreasing, some of which loss, he thinks, is due to truck competition. Earnings, too, are decreasing yearly, although recently there has been some increase in freight revenue arising from coal shipments.

The extension sought by applicants covers considerable territory. Jackson County is now served by a number of resident carriers and a railroad. The railroad is seeking to abandon its line, because of lack of patronage. Mrs. Greeley testified that business now available is so limited that it was difficult to maintain equipment and service. In addition to resident carriers, many for-hire carriers and commercial carriers from Weld, Larimer and Denver Counties serve to and from Jackson County. In addition, Grand County Transportation Company can serve from and to railheads in its territory, to and from points in Grand County. It specializes in farm service, and has ample equipment. As to Routt County, while Larson Transportation Company is adequately equipped, we believe the record shows that it has not been especially interested in farm service. Its line haul service is excellent. Applicants do not propose to compete therewith. Mr. Larson admitted that his company had not attempted to handle the grain movement. Also, he stated that he did not know what service for movement of livestock was being offered by his local office at Steamboat Springs, or what efforts were made to get business. His headquarters are in Denver. Farmers and ranchers want the services of carriers who understand their needs, and are prepared to care for them. There is no complaint about Gray's service, when available, but his headquarters are at Craig. His east boundary is about three miles east of Hayden. Mr. Gray conceded that probably an additional service immediately west of, or around, Hayden was desirable. Leslie, the common carrier at Hayden, did not appear in opposition to granting authority sought. Mr. Larson did not object to the extension of Gray's authority to include in and out service in that part of Routt County which is east of Gray's present eastern boundary. He opposes an extension of

Harris' permit to include the movement of livestock in and out of Routt County, although he did not object to the handling of grain, locally. In the Yearous application, No. 2738-PP, Decision No. 7004, where Atwood Brothers, the authorized common carriers, opposed the Yearous application, but on the same day, in effect, conceded that public convenience and necessity required the granting of a certificate to one Verne L. Crandall for the same service, the Commission, in commenting on Atwood's testimony, stated:

> "His statements were inconsistent, and it does not seem to be desirable to allow a situation to arise under the existing law where an applicant's right to embark in the transportation service depends not on the transportation situation but upon the attitude of the common carrier operating in the district where applicant seeks to conduct his proposed operation toward him personally. The question which should be controlling is the probably affect of the operation on the existing common carrier service."

We heard the application of Ross Watts, No. 5718-PP, for a private carrier permit to operate a farm service in the vicinity of Hayden on the same day that the instant application was heard. In that order, to which reference is hereby made, we cited our Decisions Nos. 12760, 15091 and 13481. The extracts from said decisions there quoted are applicable to the situation herein. We will not repeat them.

In considering the granting of a certificate of public convenience and necessity for the extended service sought by applicants, we are not unmindful of the fact that they now have authority to serve the more productive parts of said area under their "B" permit, No. B-2063, and that Arnold Brothers, under their private carrier permit, No. B-1387, also have served the well-populated section of the country immediately around Steamboat Springs. The service of "B" carriers in the farming districts, if it serves any public need, is not wholly unlike that of common carriers. It is perhaps more desirable to have an additional common carrier call and demand farm service, instead of operations by Class "B" carriers. Applicants here agree that, in the event the certificate is issued, said private carrier permits may be cancelled.

After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended motor vehicle common carrier service of applicants for the transportation of farm products, generally, including livestock, and farm supplies, "emigrant moveables," and new and used machinery from point to point within Routt County, and from and to points in Routt County, to and from points in the State of Colorado, without the right to perform any service, except the movement of farm products in bulk, including livestock, between towns on the line haul route of the Larson Transportation Company, or any other motor vehicle carrier serving on schedule, and that certificate of public convenience and necessity should issue therefor; further, that said application, in all other respects, should be denied; also that Private Carrier Permits Nos. B-1387 and B-2067 should be cancelled and revoked.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the extended motor vehicle common carrier service of C. I. Hallquist and Basil Hallquist, doing business as "Valley Transfer Company," Steamboat Springs, Colorado, for the transportation of farm products, generally, including livestock, and farm supplies, emigrant moveables, and new and used machinery from point to point within Routt County, and from and to points in Routt County, to and from points in the State of Colorado, without the right to perform any service, except the movement of farm products in bulk, including livestock, between towns on the line haul route of The Larson Transportation Company, or any other motor vehicle carrier operating on schedule, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of this Commission within twenty (20) days from date.

The applicants shall operate their carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission.

That said application, in all other respects, is hereby denied.

That Private Carrier Permits Nos. B-1387 and B-2067 be, and they hereby are, cancelled and revoked.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. J. Thomson

Edward D. Wheeler

Walter Smith

Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1941.

mw

(Decision No. 17808)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE DRAKE, HAYDEN, COLORADO,) APPLICATION NO. 5225-PP-A-BBB
FOR AN EXTENSION OF PERMIT NO. A-2493.)

October 23, 1941.

Appearances: Lawrence Drake, Hayden, Colorado, pro se;
John Love, Esq., Denver, Colorado, for Larson Transportation Company, Grand County Transportation Company, and common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend his operations under his Class "A" permit, No. A-2493, to include the right to transport bulk grain from farms within a radius of fifty miles of Hayden to storage, elevators and railroad loading points within said area; seed grain from supply points in said area to farms in said area; coal between points in said area; gravel, sand, and road building materials between points in the area embraced in County Commissioners District No. 2, Routt County, for said County.

No one appeared in opposition to the granting of the authority sought.

The operating experience and pecuniary 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 extension should be granted.

O R D E R

IT IS ORDERED:

That Lawrence Drake, Hayden, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. A-2492 to include

the right to transport bulk grain from farms within a radius of fifty miles of Hayden to storage, elevators and railroad loading points within said area; seed grain from supply points in said area to farms in said area; coal between points in said area; gravel, sand, and road and bridge building materials between points in the area embraced in County Commissioners' District No. 2, Routt County, Colorado, for said County, only, without the privilege of adding to number of customers for said service.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1941.

BH

Decision No. 17809)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROSS WATTS, HAYDEN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 5718-PP

October 27, 1941.

Appearances: Ross Watts, Hayden, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
John Love, Esq., Denver, Colorado, for Larson Transportation Company, Grand County Transportation Company, and Common Carrier Division of The Colorado Motor Carriers' Association;
Marion F. Jones, Esq., Denver, Colorado, for Leonard Gray;
Winston S. Howard, Esq., Denver, Colorado, for Valley Transfer;
J. H. Shepherd, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, Ross Watts, of Hayden, Colorado, herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal and farm products, including livestock, between points within the area extending fifteen miles north, fifteen miles south, twenty miles east of Hayden, and to a line drawn north and south two miles west of the Moffat County-Routt County county line on the west, and livestock in shipments of not to exceed 6,000 pounds from points in said area to Denver.

Applicant stated that, while a number of carriers were authorized to serve the area, most of them headquarter a considerable distance from Hayden, and consequently the farmers and ranchers found that their services were not conveniently available; that they were unable to get carriers when

wanted; that large quantities of hay, grain and other farm products were raised in the area; that a number of ranchers wanted to move produce at the same time, especially during harvest season, and were unable to get service; that difficulty especially had been experienced by the various ranchers in obtaining service for the movement of small lots of livestock, not only locally, but to Denver; that established livestock haulers, like Leonard Gray, maintained equipment to haul livestock in volume, and unless they could obtain enough shipments to consolidate them into a 12,000-pound load or more, it was difficult to get service; that he is willing to limit his livestock service to the transportation of livestock in loads, whether one shipment or a number of shipments consolidated, of 6,000 pounds; that he is well acquainted with all the ranchers residing in the vicinity of Hayden; that they have been his neighbors for years; that, on account of his acquaintance with them and his knowledge of their ranching activities, he can conveniently serve them, and can arrange with them to have their several shipments moved at the same time -- that is, he can readily obtain a consolidated shipment; that in the immediate vicinity of Hayden, A. A. Harmon performs some local service, but does not haul grain or coal, which last-mentioned commodity moves from coal mines to ranches, and ordinarily should be handled by the same carrier who handles products for the farmers, because he wants about one ton at a time, instead of a capacity truckload; that Grant Simonton has a private carrier permit, and performs some service in the community; that Larson Transportation Company, in his opinion, does not hold itself out to haul livestock or farm products -- at least, said concern seems to devote its attention to its line haul service; that Lawrence Drake is a private carrier, and handles coal, only.

Frank T. Rowley, A. F. Julian, Eugene Powell and Bill Fickle, who reside in the Hayden area, and are engaged in farming, ranching and livestock raising, testified that service, for the movement of grain, especially during harvest season, was difficult to obtain; that unless

one has a full load of livestock -- about fifteen head -- it is almost impossible to get a trucker to move them in a reasonable period of time. Frank T. Rowley could not get Simonton to go without a full load. A. F. Julian had difficulty getting service, and complained Larson Transportation Company assessed a $15.00 pickup charge for picking up a load of lambs, in addition to the regular charge. He also complained about Simonton's charge for handling lambs and the careless and negligent manner in which they were handled. He stated that while sometimes more trucks were available than necessary, when one really was anxious to move grain or livestock, he was required to wait too long for the trucks, and the equipment when it arrived, was "not so good". Eugene Powell complained about Simonton's service and the length of time livestock were on the road, and stated a number of them were badly crippled or injured. Simonton, as aforesaid, is a private carrier. At other times, he tried to get service from Harmon and Frank B. Leslie, who operates the Hayden Transfer, without success. He never sought the services of Larson or Gray, and was under the impression that Gray could not serve him. He apparently did not want to go to Steamboat Springs on the east after Larson, or to Craig on the west for Gray, when he wanted cattle or farm products moved. He was under the impression that Leslie, the common carrier at Hayden, does not handle livestock.

Gray, Larson, Hallquist, and The Denver and Salt Lake Railway Company, state that they had no objection to granting of authority to applicant to haul grain. No testimony was offered in opposition to the granting of the authority sought.

Gray's pickup area extends to the range line, about three miles east of Hayden. In application No. 2825-BB, heard on the same day at Hayden, Gray sought to extend his authority to include all of Routt County, contending that public convenience and necessity required the extension. No testimony was offered in opposition to the granting of the authority sought. Larson Transportation Company withdrew objection to the granting of the extension, insofar as it involved transportation of livestock and

farm produce in and out of the area.

In Re Polhemus, Application No. 4803, Decision No. 12760, in granting his certificate, the Commission stated:

> "While it is desirable to foster and encourage the development of already authorized motor vehicle common carrier service at all times, the interests of the public are of paramount importance, and the interests of the applicant and of the certificate-holders are secondary and subordinate, and in determining whether reasonable necessity does or does not exist for the proposed service, the Commission takes into consideration 'what the public wants.'"

In Re J. L. Robinson, Application No. 2806-PP-B, Decision No. 15091, authorizing an extension of private carrier service, we said:

> "Heretofore, we have had occasion to point out that, in our judgment, the best interests of the public, as a whole, and of farmers in particular, require a free and easy flow of farm produce to market in adequate facilities for reasonable rates. ***Naturally, when a farmer is required to employ truck service, he prefers to have his needs taken care of by one agency. Some local call and demand carriers complain of losing business. We are inclined to think that some of this loss in the past has been due to the fact that carriers have refused to handle business they don't want, and when farmers are required to go to other truckers to satisfy some of their needs, naturally, they feel that that carrier should be favored when they have more profitable business available."

In Re Bates, Application No. 4546-PP, Decision No. 11991, the Commission held:

> "We believe that it is desirable that each community should have an easily and quickly accessible local for-hire farm service."

In Re Dee Wann, Application No. 4496-PP, Decision No. 13481, in granting a private carrier permit to furnish a contract farm service, which, in a sense, was competitive with Hartsel's common carrier service, the Commission said:

> "While evident that the major objection to the Hartsel service seems to be based on disapproval of Hartsel's attitude toward prospective competition, and perhaps dislike

> for him, personally, under the circumstances, we are inclined to think that additional competition in the area sought to be served by applicant, with the restrictions he agreed to place thereon, is desirable. At any rate, evidence was not offered by protestants in opposition to the granting of the authority sought. There was considerable evidence to show that the service is inadequate at times. There was no evidence that the proposed service of applicant would impair the efficiency of the existing motor vehicle common carrier services, whether adequate or otherwise, and, under the decisions of the Commission, it was incumbent upon the protestants to establish that fact, at least to make a prima facie showing. See Re William Leist, Application No. 4890-PP, Decision No. 13152, and Decision No. 13443."

As heretofore stated, no testimony was offered in opposition to the granting of the authority sought to show that the existing common carrier service is adequate, and that the granting of authority to applicant would impair the efficiency of said adequate common carrier operations; in fact, the local common carrier at Hayden -- the Hayden Transfer -- did not appear.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the common carrier farm service now available in the area sought to be served by applicant is inadequate; that the area sought to be served by him is a farming and ranching community; that he proposes to furnish a farm service; that the ranchers in said community, if they are not obtaining adequate service from the common carrier, are entitled to the specialized service of a contract (private) carrier, if one is willing to serve; that said permit should issue.

O R D E R

IT IS ORDERED:

That Ross Watts, Hayden, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal and farm products, including livestock, between points within the area extending fifteen miles north,

fifteen miles south, twenty miles east of Hayden, and to a line drawn north and south two miles west of the Moffat County-Routt County county line on the west, and the transportation of livestock from points in said area, to Denver in loads (whether one shipment or consolidated shipments) of not to exceed six thousand pounds.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 1941.

BH

(Decision No. 17810)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD GRAY FOR AN EXTENSION OF) APPLICATION NO. 2825-BB
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 880.)

October 28, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
John Love, Esq., Denver, Colorado, for Larson Transportation Company, Grand County Transportation Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Walter Utzinger, Craig, Colorado, pro se;
J. H. Shepherd, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company;
Thomas Isles, Craig, Colorado, for Comet Motor Express.

S T A T E M E N T

By the Commission:

By Decisions Nos. 7383, 10564 and 14399, applicant was authorized to operate as a motor vehicle carrier for hire for the transportation, not on schedule, of:

> general commodities from point to point (excluding service between points served by scheduled line haul motor vehicle common carriers) in Moffat County and that part of Routt County west of the range line between Ranges 87 and 88, and the transportation of farm products, livestock, farm supplies and equipment, and oil well equipment, into and out of points in said area, excluding, however, the transportation of all commodities, except livestock and farm products, in bulk, between points on U. S. Highway 40, and within one mile on either side of said highway, and from and to Greystone, Sunbeam, Maybell, Massadona, Caisson, Fortification, Great Divide, Hamilton and Axial.

Applicant now seeks an extension of said PUC 880 to include the right to transport road and bridge construction equipment and

materials, irrigation materials and household goods to and from points in his present area, from and to points in the State of Colorado, excluding any service between towns on U.S. Highway No. 40, or within one mile of that highway, and excluding any service between towns on Colorado Highway No. 13 and U.S. Highway No. 24 between Craig and Grand Junction, and also the transportation of livestock and farm products from and to that part of Routt County lying east of the range line between Ranges 87 and 88, to and from points in the State of Colorado; also livestock and farm products from and to the north eight miles of Rio Blanco County, to and from points in the State of Colorado.

Larson Transportation Company withdew objection to the granting of the authority sought to haul livestock and farm products from and to points in the extended area in Routt and Rio Blanco Counties sought to be served by applicant, to and from points in the State of Colorado.

Thomas Isles, for Comet Motor Express, stated that he had no objection to the issuance of authority sought, but thought that service for the movement of commodities other than livestock and farm products, was adequate.

Walter Utzinger, who has authority to operate as a private carrier by motor vehicle for hire, Permit No. B225, contended that the transportation needs of the area sought to be served by Gray were well satisfied, not only by the existing common carrier services, but by his privatecarrier service.

Mr. Gray stated that Rio Blanco County was without railroad service; that he had received a number of requests to move livestock in the eight-mile strip in Rio Blanco County, and in Routt County, his present authority in Routt County extending only to the range line, about three miles east of Hayden; that, frequently, he has been asked to haul livestock from Routt County to Meeker and other points in his present territory and elsewhere in the State of Colorado; that Routt and Moffat Counties, and the north eight-mile strip in Rio Blanco County,

for practical purposes, should be served by carriers authorized to serve the entire territory; that farmers and ranchers move from point to point in the area, and that in moving them it is necessary to move household goods, livestock, farm equipment, etc. -- that is, so-called "emigrant moveables;" that he has had ten or fifteen requests to move household goods within the last year, but he has been unable to get the business after he quoted prices; that he has had but one request to move irrigation materials during the year, and one request to move road and bridge materials for Moffat County during the same period, which service for County or State, if authorized, chiefly would consist of the movement of reinforcing steel, culverts, cement, etc., to points in the county from railheads or points on line of line haul motor vehicle carriers serving along U.S. Highway 40; that he does not have any heavy equipment, and would be unable to handle materials requiring special equipment. He admitted that he had recently sold his "A" permit to Larson Transportation Company.

J. W. Craig, of Meeker, who is engaged in ranching and livestock raising, and whose property is located about two miles south of the Rio Blanco County-Moffat County Line, stated that people residing in the eight-mile strip along the northern bounday line of Rio Blanco County reside in the Craig trade area; that their livestock moves to railhead at Craig, and occasionally by truck from the ranch to Denver or other points in the State; that truck service is necessary, inasmuch as movement of cattle from ranches to railheads is now being handled by trucks.

Harry McCormick, a livestock buyer of Denver, stated that he buys horses and cattle and other stock in the area which Gray seeks to serve, which includes Moffat and Routt Counties and part of Rio Blanco County; that, frequently, in buying livestock, he buys one or two head of horses, or one or two head of cows at various ranches in the territory; that it is convenient to have a truck operator who can gather all of them; that he has used Gray to haul some stock, and has found him to

be a very satisfactory operator.

Stanley Larson stated that Larson Transportation Company is authorized to perform a line haul service, and also has call and demand authority. He objected to the extension sought, insofar as it involved transportation of road, bridge and irrigation construction and maintenance materials and household goods. He thought that present authorized service is adequate; that road, bridge and irrigation equipment and materials, ordinarily, moved by rail to railheads in the area, and that Larson Transportation Company, Comet Motor Express and Utzinger have ample equipment to haul all types of said commodities; that Gray does not have any heavy-duty equipment; that they maintained special equipment for that purpose, and, inferentially at least, that they should not be deprived of the opportunity to transport materials not requiring special service, inasmuch as they must maintain said equipment at all times to take care of all requirements.

Walter Utzinger testified that he had nineteen trucks and eighteen trailers; that he can haul a piece of material or equipment weighing as much as fifty tons. Since he is a private carrier, the fact that his operation might be affected adversely by the granting of the authority sought cannot be considered by the Commission. However, we do assume, in the absence of testimony to the contrary, that the needs of his customers are being adequately taken care of by his contract service, and that additional common carrier service to care for their needs is not required.

Upon the record, as made, there would seem to be very little demand for the movement of road, bridge and irrigation construction and maintenance materials by applicant. The requests for service of that type have been received by him very infrequently. The same probable is true for the movement of household goods, except the movement of farmers, which necessitates handling household goods, farm machinery and equipment, poultry and livestock at the same time. The Comet Motor Express, which did not object to the issuance of the authority sought,

has a tariff provision for movement of emigrant moveables, and evidently recognizes the fact that such service is necessary. There was no objection on the part of carriers present to the issuance of authority for the transportation of livestock and farm products, as requested, and the testimony of applicant and his witnesses established that public convenience and necessity require such service.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the extended motor vehicle carrier operations of applicant for the transportation, not on schedule, of emigrant moveables from and to points in Moffat County and that part of Routt County west of Range Line between Ranges 87-W and 88-W, on the one hand, and, on the other, to and from that part of Routt County lying east of the Range Line between Ranges 87-W and 88-W, and the north eight-mile strip of Rio Blanco County, and between points in said Rio Blanco County strip on the one hand, and on the other, that part of Routt County which lies east of the Range Line between Ranges 87-W and 88-W, and the transportation of livestock and farm products from and to that part of Routt County lying east of the Range Line between Ranges 87-W and 88-W, to and from points in the State of Colorado, and livestock and farm products from and to the north eight-mile strip of Rio Blanco County, to and from points in the State, and that certificate of public convenience and necessity should issue therefor, and further, that said application, in all other respects, should be denied.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the extended motor vehicle carrier operations of applicant, Leonard Gray, for the transportation, not on schedule, of emigrant moveables from and to points in Moffat County, and that part of Routt County west of the Range Line between Ranges 87-W and 88-W, on the one hand, and, on the other, to and from that part of Routt County lying east of the range

line between Ranges 87-W and 88-W, and the north eight-mile strip of Rio Blanco County, and between points in said Rio Blanco County strip on the one hand, and on the other, that part of Routt County which lies east of the range line between Ranges 87-W and 88-W, and the transportation of livestock and farm products from and to that part of Routt County lying east of the range line between Ranges 87-W and 88-W, to and from points in the State of Colorado, and livestock and farm products from and to the north eight-mile strip of Rio Blanco County, to and from 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.

The applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of this Commission within twenty (20) days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That said application, in all other respects, is hereby denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1941.

mw

(Decision No. 17811)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Louis Allegretto, d/b/a) PERMIT NO. C-1228
Allegretto Ice & Fuel Co.)
)

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Louis Allegretto, d/b/a Allegretto Ice & Fuel Co of 3430 Eliot St., Denver, Colo., requesting that his Permit No. C-1228 be cancelled.

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 Permit No. C-1228, heretofore issued to Louis Allegretto, d/b/a Allegretto Ice & Fuel Co. be, and the same is hereby, declared cancelled effective, as of June 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 41.

G

(Decision No. 17812)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
James Phillips) PERMIT NO. C-13322
)
)

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James Phillips of 1801 W 47th Ave., Denver, Colo, requesting that his Permit No. C-13322 be cancelled.

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 Permit No. C-13322, heretofore issued to James Phillips be, and the same is hereby, declared cancelled effective, as of September 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 41

G

(Decision No. 17813)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Luther R. Smith) PERMIT NO. C-11734
)
)

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Luther R. Smith of Estes Park, Colorado, requesting that his Permit No. C-11734 be cancelled.

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 Permit No. C-11734, heretofore issued to Luther R. Smith be, and the same is hereby, declared cancelled effective, as of October 10, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 1941.

G

(Decision No. 17814)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. Harry Collins) PERMIT NO. C-6248
)
)

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. Harry Collins of Derby, Colorado, requesting that his Permit No. C-6248 be cancelled.

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 Permit No. C-6248, heretofore issued to J. Harry Collins be, and the same is hereby, declared cancelled effective , as of October 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I T O Shaman

Edward D. Hardy

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 41

G

(Decision No. 17815)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
L. E. Satterthwait)
)
)
)

PERMIT NO. C-10824

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. E. Satterthwait of 1111 North Kimball, Casper, Wyoming requesting that his Permit No. C-10824 be cancelled.

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 Permit No. C-10824, heretofore issued to L. E. Satterthwait be, and the same is hereby, declared cancelled effective , as of October 18, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 41.

G

(Decision No. 17816)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Mrs. William McCoy, widow of) PERMIT NO. C-7037
William McCoy, deceased)
)

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Wm. McCoy, widow of William McCoy, deceased of 137 W. 6th, Louisville, Colorado, requesting that his Permit No. C-7037 be cancelled.

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 Permit No. C-7037, heretofore issued to Mrs. William McCoy, widow of William McCoy, deceased be, and the same is hereby, declared cancelled effective, as of October 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 41.

G

(Decision No. 17817)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Claude E. Ham) PERMIT NO. C-8169
)
)

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Claude E. Ham of 210 9th, Fowler, Colorado, requesting that his Permit No. C-8169 be cancelled.

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 Permit No. C-8169, heretofore issued to Claude E. Ham be, and the same is hereby, declared cancelled effective, as of October 24, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 41.

G

(Decision No. 17818)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. J.McMAHAN.)
) PERMIT NO. C-1432
)
)
)

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. J. McMahan of New Castle, Colorado, requesting that his Permit No. C-1432 be cancelled.

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 Permit No. C-1432, heretofore issued to W. J. McMahan, be, and the same is hereby, declared cancelled effective October 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 41.

R

(Decision No. 17819)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. J. McMAHAN.) PERMIT NO. B-1037
)
)
)

October 27, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. J. McMahan of New Castle, Colorado, requesting that his Permit No. B-1037 be cancelled.

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 Permit No. B-1037, heretofore issued to W. J.McMahan, be, and the same is hereby, declared cancelled effective October 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 41

R

(Decision No. 17820)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MISS MINNIE KRAMER.) P.U.C. No. B-1686
)

October 27, 1941.

S T A T E M E N T

By the Commission:

On Aug. 27, 1941 ~~xxx~~, by order of the Commission, Decision No. 17580, Miss Minnie Kramer of 4387 Winona Court, Denver, Colorado, was given authority to suspend operations under PUC No. B-1686 for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary certificate of insurance, cash deposit, and otherwise having complied with the rules and regulations of the Commission governing private carriers, the Commission is of the opinion and finds that said order of suspension should be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and hereby is, set aside and that PUC No. B-1686 be, and the same hereby is, restored to its active status as of the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thomas

Edward D. Knowles

Commissioners

Dated at Denver, Colorado,
this 27th day of Oct., 1941, ~~xxxx~~.

(Decision No. 17821)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF DON COLLINS, OF WINTER PARK, COLORADO.) PERMIT NO. B-1371

October 27, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. B-1371 be suspended.

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

O R D E R

IT IS ORDERED:

That Don Collins should be allowed to suspend his operations under Permit No. B-1371 for a period of not to exceed six months from Oct. 18, 1941.

That unless said Don Collins shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1941.

R

(Decision No. 17822)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JANE KETTERING HENRY, DENVER, COLORADO, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 847.	PUC NO. 847, 847-I APPROVAL OF MORTGAGE

October 30, 1941

S T A T E M E N T

By the Commission:

It appears to the Commission that on October 22, 1941, Jane Kettering Henry, owner of certificate of public convenience and necessity No. 847, executed her certain chattel mortgage to The American National Bank of Denver in the sum of $927.72 and pledged said certificate No. 847 as security therefor.

We have been requested by said American National Bank of Denver to approve said mortgage.

After a careful consideration of the record and files, the Commission is of the opinion, and so finds, that said mortgage should be approved, and that formal hearing in regard thereto is unnecessary.

O R D E R

IT IS ORDERED:

That that certain chattel mortgage, dated October 22, 1941, and executed by Jane Kettering Henry to The American National Bank of Denver for the principal sum of $927.72, covering certificate of public convenience and necessity No. 847 be, and the same hereby is, approved.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Shuman

Edward E Dawley

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1941.

mw

(Decision No. 17823)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OLIVER U. GROVES, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5764-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

October 30, 1941

Appearances: Oliver U. Groves, 2926 Glenarm Place, Denver, Colorado, pro se;
Truman Stockton, Jr., Esq., Denver, Colorado, for Union Delivery Company of Greeley, Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

In support of his application, applicant stated that he owns a 1939 Ford one and one-half ton truck, in which he has an equity of approximately six hundred dollars ($600.00).

No evidence in opposition to the granting of the authority sought was introduced. However, a written protest was sent to the Commission by one of the operators at Henderson, Colorado.

Applicant stated that he had started transporting sugar beets under the impression that he had a right to do so when he had filed his application.

The Commission believes that so far as the transportation of coal, sand, gravel and road surfacing materials, and the movement of sugar beets, are concerned, the authority sought should be granted, but we are also of the opinion that the granting of blanket authority to transport all farm products within a radius of fifty miles of Greeley, and from said area to and from other points in the State of Colorado, would

interfere with presently established common carrier service now authorized to serve said territory.

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

O R D E R

IT IS ORDERED:

That Oliver U. Groves, Denver, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sugar beets between points within a fifty-mile radius of Greeley; sand, gravel and other road surfacing materials, from pits and supply points in Colorado to jobs within fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, as well as the right to transport coal from the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1941.

mw

(Decision No. 17824)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY MARTIN, 1416 POPLAR STREET, LEADVILLE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2424 TO HARRY E. SMITH, 217 WEST 6TH STREET, LEADVILLE, COLORADO.

APPLICATION NO. 5117-PP-A

October 30, 1941

Appearances: Harry E. Smith, Leadville, Colorado, pro se.

S T A T E M E N T

By the Commission:

On October 23, 1939, by Decision No. 14198, Harry Martin, of Leadville, Colorado, was granted a Class "B" private permit, which authorized:

> Transportation of sand, gravel, road mix and cement from pits and supply points within a radius of twenty-five miles of Leadville, Colorado, to construction jobs within said area; ore and concentrates from point to point within a radius of thirty miles of Leadville, Colorado, (excepting transportation of said materials between points served by Schaeffer Truck Line, under the authority contained in its certificate of public convenience and necessity, PUC No. 1195.

Said permit was suspended on April 11, 1941, for a period of six months from April 5, 1941. However, the instant application to transfer was filed with the Commission on October 6, 1941, and no objections have been interposed to the granting of the authority sought.

The evidence disclosed that transferee was paying the sum of forty-five dollars ($45.00) for the permit; that he owns four trucks, but is only working one 1936 Ford truck with a dump body. His trucks are clear from any indebtedness, and he testified that transferor did not have any debts in connection with his operations, and that if he

did, he would assume the same up to the amount of the consideration paid.

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

O R D E R

IT IS ORDERED:

That Harry Martin of Leadville, Colorado, be, and he is hereby, authorized to transfer to Harry E. Smith, of Leadville, Colorado, all of his right, title and interest in and to Private Carrier Permit No. B-2424.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1941.

mw

original

(Decision No. 17825)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION)
OF THE FREIGHT RATES AND CLASSIFICATION) CASE NO. 1585
OF FREIGHT OF ALL COMMON AND PRIVATE)
MOTOR VEHICLE CARRIERS.)

November 5, 1941.

Appearances: T. A. White, Esq. and A. T. Tait, for Rio Grande Motor Way, Inc., and The D. & R. G. W. R.R. Co.;
E. G. Knowles, Esq., for The Union Pacific Railroad Co.;
Conour and Conour, Esqs., for J. L. Ashton and Joseph Anders;
A. J. Fregeau, for Weicker Transportation Co.;
Robert A. Theobold, for Schaeffer Truck Line;
Alice Blakley Hoyt for Blakley Livestock Hauling Co.;
Ray Smith, for Colorado Motor Carriers' Association;
Alex Laubhan, Jr., Pro se;
T. A. Stockton, Jr., Esq., for Common Carriers Division, Colorado Motor Carriers Ass'n, and Colorado Rapid Transit Company;
Guy Hart, Livestock Division, Colorado Motor Carriers Ass'n;
Chris Sorenson, Sorenson Truck Service;
Geo. R. Henry, for Air Line Express;
John C. Street, Esq., for The Colorado and Southern Railway Co.;
J. H. Shepherd, Esq. and F. J. Toner, for The Denver and Salt Lake Railway Co.;
J. L. Goree, Esq., for The Chicago, Rock Island and Pacific Railway Company;
Joe Hodges, Esq., for The Rocky Mountain Parks Transportation Co.;
W. J. Preston, Esq., for The Missouri Pacific Railroad Company;
E. C. Mason, for Overland Motor Express Company;
R. E. Collins, for Southwestern Transportation Co.;
Frank Miller, for Denver-Limon-Burlington Transfer Co.;
E. B. Evans, Esq. and T. S. Wood, for Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

On February 25, 1941, March 20, 1941, April 8, 1941, and June 26, 1941, hearings were had on the livestock rates and rules. The June 26th hearing also covered matters other than livestock. The Commission is not prepared

at this time to render its decision on the livestock rates, but will dispose of all other matters heard at that time, viz.:

For account of Jane Kettering Henry, d.b.a. Air Line Express:

A rate of 40 cents per 8 or 10-gallon can, and 35 cents per 5-gallon can on cream, from farms located in authorized territory to Denver, Colorado. Empty cans to be returned free.

For account of The Rio Grande Motor Way, Inc.:

To cancel the present existing rule authorizing an allowance in lieu of pick-up service at Denver, Colorado Springs and Pueblo. Also provide the following rule for application on intrastate traffic.

"All action or proceedings for a recovery of damages or overcharges, except as otherwise provided herein, shall be filed within two years after delivery or tender of delivery of shipment, and not thereafter."

Also provide a rate of 26 cents per 100 pounds on wheat in sacks or in bulk, minimum weight 28,000 pounds, from Cortez and Durango, Colo., to Monte Vista, Colorado.

The question or advisability of establishing a rule whereby common carriers may protect through rates on the basis of the through distance on joint line movements without the necessity of each individual carrier (where itpublishes its own tariff) securing a concurrence from each and every connecting line carrier who participates in the through movement.

On October 14, 1941, a hearing was had on the following matters, viz.:

The establishment of the following rates per 5-gallon can on milk and cream to Denver, Colorado, from Hugo, Flagler, 18; Seibert, 19; Stratton, Burlington, 20; Limon, 15, and Lads, 27.

To cancel the following item, viz.:

Item No.	Commodity	From	To	Rates in Cents per 100 Pounds
	Lumber and Lumber Dealers'		Colo.	
	Supplies, viz.: doors, sash:		San Luis	28
	(window or door);building		San Acacio	30
	paper;steel or wire cloth,		Alamosa	30
	metal lath; corrugated sheet		Monte Vista	31
66	iron; corner bead; build-	Pueblo,	Del Norte	37
	ing hardware; hinges;nails;;	Colo.	Center	37
	paint, plaster board;ridge-:		La Jara	31
	roll; prepared roofing;		Manassa	37
	roofing cement; plywood;		Antonito	37
	beaver board; fireplace			
	linings; putty; wood or			
	woven wire fencing; bared			
	wire; window glass, other			
	than plate glass, not bent;;			
	cement; lime; plaster. In			
	straight or mixed shipments			
	minimum weight 20,000 pounds.			

To establish an exception to the Classification and provide a Third Class rating on milk and cream, fresh, in cans, bottles or other approved containers, between points on the line of the Rocky Mountain Parks Transportation Company. Empty containers to be returned free.

To provide a rating of 2 1/2 times column one on Rowboats or Outboard Motor Boats, with or without sails or power.

Canvas, Knocked Down and folded, in boxes or crates.
Fibre, steel, wood or wood canvas covered, set up.
Loose, or in boxes, fibre cartons or crates.
Steel or wood, sectional, folded, or sections placed one within the other, loose or in packages.
Wooden, folded flat, in crates.

Also column two rating on safety fuse.

To provide a rate of 20 cents per 100 pounds on canned goods from Canon City, Colorado, to Colorado Springs and Denver, Colorado. Minimum weight 20,000 pounds.

To provide a minimum charge of 50 cents per shipment, except on trunks containing clothing and/or personal effects, between Denver, Colo., and Boulder, Broomfield, Louisville, Lafayette, Erie, Frederick, Firestone, Dacono, Hudson, Keenesburg, Eldorado Springs and Valmont, Colo. The minimum charge on trunks containing clothing and/or personal effects shall be $1.00 per shipment between the above named points.

At the June 26th hearing, Geo. R. Henry testified relative to the proposed rates on cream for the Air Line Express. No objection was offered in opposition to this proposal.

In regard to the proposals of the Rio Grande Motor Way, Inc., A. J. Tait, its Assistant Freight Traffic Manager, testified, that it desired to cancel the rule authorizing an allowance in lieu of pick-up as same was being used very little; that the only other carriers (to his knowledge) having such a rule were the Southwestern Transportation Company, and the Larson Transportation Company; that same was first established by the Moore Truck Line and that when the Motor Way took over the operations of Moore it simply continued the rule in effect. On cross-examination, Mr. Tait stated that he had not contacted any of the shippers who were using the rule. No objection was offered in opposition to the proposed cancellation of the rule.

In regard to the proposed rate on wheat, Mr. Tait testified that under the proposed rate there would be a substantial truck movement; that bulk wheat could be loaded and unloaded more quickly and economically than in sacks, thereby reducing the costs of operation to the carrier, with a saving in labor and material to the shipper. No objection was offered to this proposal.

In regard to the proposed rule relative to the time limitation for the recovery of damages or overcharges, Mr. Tait testified that this proposal was made for the purpose of having the same rule applicable on intrastate traffic that is in force and effect on interstate traffic; that the rule was to be published in its tariffs and reference thereto would be made on the bills of lading or shipping receipt. Such reference would merely refer to the rule number, and the number of the tariff in which the rule would be published. It is not the intention of the Motor Way to make the rule a part of the bill of lading or shipping receipt other than by reference.

In a memorandum filed by Mr. White of the Motor Way, since the close of the hearing, in answer to a memorandum filed by Mr. Evans, Assistant Attorney General, assigned to the Commission, it develops that the word, "Damages," as used in the proposed rule, was intended to refer to damages based on overcharges, and that same should be changed to read as follows, viz.:

> "All actions or proceedings for recovery of overcharges shall be filed within two years after delivery or tender of delivery of shipment, and not after."

There is nothing in the Public Utilities Act, or in the unrepealed sections of the 1910 Act, which limits the time within which overcharge claims must be filed.

It is a well settled rule that the subject of rates, except as to released rates based upon declared values, is not the subject of contract between the carrier and the shipper, but is based entirely upon the published tariffs.

The Legislature, in Section 56 of the Public Utilities Act, has specifically dealt with reparation claims. While a reparation claim is not the same as an overcharge, yet it is somewhat analogous. A reparation claim arises out of an unreasonable, discriminatory, or excessive rate. An overcharge arises out of the assessment of a wrong rate. The similarity between the two classes of claims (that is, reparation claims and overcharge claims), and the Legislature having specifically fixed the limitation for one and not for the other, would seem to indicate that the Legislature did not desire to place any limitation upon the recovery of overcharge claims other than the six-year statutes of limitations. The above discussion relative to overcharge claims applies with equal force to undercharge claims.

It appears to the Commission that any departure from the contemporaneous statute of limitations cannot be authorized by the Commission by Rule.

In regard to the question of establishing a rule whereby common carriers may protect through rates on the basis of the through mileage on joint line movements without the necessity of each individual carrier securing a concurrence from each and every connecting line carrier who participates in the through movement, no testimony was taken. However, a very full and complete round table discussion was had and many varied opinions were expressed.

In paragraph I, page 6 of Rate Pamphlet dated June 30, 1939, the Commission has provided in part the following, viz.:

> "That the statutes of this State require all common carriers to receive freight from connecting line common carriers. It would not seem in the public interest to require joint line movements to move on a combination of the local rates, and we therefore find that all motor vehicle common carriers shall receive from and deliver to connecting line motor vehicle common carriers freight originating at or destined to points on such connecting line motor vehicle common carriers, and in determining the rate on a movement over two or more connecting motor vehicle common carrier lines, the through rate shall be computed on the basis of the through mileage from point of origin to point of destination, via the short route mileage of connecting line common carriers."* * *

It is admitted by all participants that the law requires the establishment of through rates and through routes. However, through rates may be either the combination of local rates or a joint one-factor rate. It is argued by some of the participants,"that the order of the Commission neither requires a combination of local rates or joint through rates, but when a through rate is established the method of computation is specified. Furthermore, the order does not prohibit the application of either a combination of local rates or joint rates and we do not believe such a prohibition can be read into the order by any reasonable construction. If such a prohibition as to either local rates or joint rates should exist, then the order is void in that respect because of absolute lack of evidence in the case tending to prove that through joint rates are just and reasonable in every instance and under all circumstances where through transportation exists."

Said participants argue further, "that evidence showing that a joint through rate based on through mileage or short route mileage in every instance would constitute a just and reasonable rate is absolutely essential to a valid order fixing joint rates or a division of joint rates is amply demonstrated by Denver etc. R.R. Co. vs. C.B. & Q.R.R. Co., et al, 64 Colo. 229, where the Supreme Court reversed the Commission in a proceeding fixing joint rates as between the Moffat Road and other railroads because of lack of proper evidence supporting the order. See D&SL v. CB&Q et al, before the Public Utilities Commission of Colo., P.U.R. 1916-E, page 403."

Other participants argue that the order of the Commission requires that all common carriers must interchange traffic between themselves and that the rate on a joint line movement over two or more lines must be made on the basis of the through distance; that under such an order the carriers have no choice but to comply with the order, and that no concurrence should be necessary. Still other participants argue that carriers tariffs naming through rates should show the names of the connecting carriers and the junction points in order that the shipping public may be advised what carrier or carriers are handling the traffic.

We do not agree with the contention that our order does not require the establishment of through rates on the basis of the through distance. However, we believe there is merit to the contention, that as a blanket order, rates so constructed might not be just and reasonable in every instance and under all circumstances and conditions, where through transportation exists.

We think our present existing rule should be amended to the extent that motor vehicle common carriers should not be required to publish joint through rates on the basis of the through distance if they do not desire to do so.

If motor vehicle common carriers desire to participate in joint through traffic and apply rates other than the combination of locals they must do so by proper tariff publication, prepared in accordance with the rules and regulations of the Commission governing motor vehicle carriers.

To here

At the October 14th hearing Frank Miller of the Denver-Limon-Burlington Transfer Company, testified relative to the milk rates to Denver from Flagler, etc., that there was a demand for rates on five-gallon cans; that the proposed rates were the same as now apply on shipments moving in rail baggage service. No objection was entered to the proposed rates.

No testimony was entered relative to the cancellation of the rates on lumber and lumber dealers supplies. In September, 1940, the Hendrie and Bolthoff Manufacturing and Supply Company protested against the rates, and requested that same either be cancelled or relative rates be established from Denver. In an exchange of correspondence, on April 7, 1941, Weicker Transportation Company advised in substance that it objected to the establishment of relative rates from Denver. On August 8, 1941, Pueblo Chamber of Commerce, requested that before the cancellation of said rates or relative rates be established from Denver, it be given an opportunity to be heard. A copy of the order assigning the matter for hearing was mailed to the Pueblo Chamber of Commerce; however, it did not have a representative at the hearing. We assume, therefor, that it is not interested in same.

Mr. Holmes testified, that, on the lines of the Rocky Mountain Parks Transportation Company, the present classification rating of first class produced rates which were too high to permit the movement of the milk and cream traffic, and that third class rates would result in reasonable rates for both the shippers and the carriers. The third class rates to be subject to the applicable minimum charge per shipment. No objection was entered to the proposal.

Mr. Tait testified relative to the proposed ratings on motor boats and safety fuse. No objection was entered to the proposals.

Mr. Ray E. Collins, Agent, Southwestern Transportation Company, testified relative to the proposed rate on canned goods from Canon City to Denver and Colorado Springs; that the Canon City packers were in active competition with the packers in the Arkansas Valley, from which points similar rates were in effect; that said traffic would be very attractive to the Southwestern Company if the rate was put into force and effect. No objection was entered to the proposal.

Mr. V. G. Garnett and Mr. L. C. Mason testified relative to the proposed minimum charges; that in many cases the present mininum charges of 25 and 35 cents are paid to the transfer companies in Denver for performing the pick-up and delivery service, leaving nothing for the line haul service; that approximately 40% of the total tonnage is made up of minimum charge shipments; that with the general increase in costs of operations quick relief is imperative if the carriers are to continue to perform a satisfactory service.

In regard to the trunks most all shipments from Denver originate in the outlying residential districts and are delivered to the campus at Boulder, often requiring from a half hour to an hour's time in locating the parties. No objection was entered to these proposals.

We are also in receipt of a petition requesting rates of 25 and 20 cents per 100 pounds, minimum weights 500 and 1,000 pounds, respectively, on sugar, from Durango and Dolores, Colo. to Lewis, Pleasant View, Ackmen, Cahone, Dove Creek and North Dale, Colo.

A rate of 33 cents per case of 12 quarts on fresh milk from Denver to C.C.C. Camp NP-12-C (near Grand Lake, Colo). Empty containers to be returned free.

The following rates on fresh cream and milk in 10-gallon cans to Denver, Colorado, from New Raymer, 33; Stoneham, 31; Willard, 30; Grover, 35; Hereford, 35; Buckingham, 35; Gill, 25; Barnesville, 26; Cornish, 27; Fosston, 28; Sligo, 35.

The rail carriers who are serving the territories covered by these proposals have been contacted by the rate department of the Commission and no objection has been received from said carriers. Therefore, we shall dispose of these matters without the formality of a hearing.

After full consideration of all the facts in the instant petitions, and the record as a whole, the Commission is of the opinion, and so finds, that the rates and provisions, set forth in:

General Appendix Paragraphs I-1; L-1 and P; Supplement No. 6 to Appendix A; Supplement No. 5 to Appendix B; Supplement No. 5 to Appendix D; Supplement No. 5 to Appendix K; and Supplement No. 4 to Appendix L-3, attached hereto, and made a part hereof are and for the future will be, just, fair, reasonable and sufficient maximum and minimum rates, and just, reasonable and proper rules and regulations, exceptions and provisions for all motor vehicle common carriers, and minimum rates, rules, regulations, exceptions and provisions for all private carriers by motor vehicle when competing with duly authorized motor vehicle common carriers for substantially the same or similar service.

We further find that any departure from the contemporaneous statute of limitations relative to overcharges must come from the Legislature and that any publication contrary to said statute would be subject to review by the Courts, rather than by an Administrative body.

O R D E R

IT APPEARING, That on February 5, 1936, and various subsequent dates, the Commission made and filed in this proceeding, statements of its findings of fact and conclusions thereon; that on said dates the Commission entered its orders to give effect to said conclusions:

IT FURTHER APPEARING, That, after further consideration of all the evidence and facts, the Commission has on the date hereof made and filed a statement containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, and various subsequent dates, are hereby referred to and made parts hereof:

IT IS ORDERED, That the order heretofore entered in said proceedings in Case No. 1585 on February 5, 1936, as since amended, be, and it is hereby, further amended, supplemented, or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified, the above stated order, as amended, shall continue in full force and effect.

IT IS FURTHER ORDERED, That all motor vehicle common carriers and private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected, be, and they are hereby, notified and required to cancel all schedules in conflict with the rates, rules, regulations, exceptions and provisions prescribed in the aforesaid statement on further consideration, on November 15, 1941, upon notice to this Commission and to the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913, and Section 10, Chapter 120, Session Laws of 1931, as amended.

IT IS FURTHER ORDERED, That this order shall become effective on the 15th day of November, 1941, and that the rates, rules, regulations, exceptions and provisions prescribed and approved in the aforesaid statement on further consideration shall be published by all motor vehicle common carriers and

private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913, and Section 10, Chapter 120, Session Laws of 1931, as amended, and that on and after said date said motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates and bases of rates herein prescribed; and private carriers by motor vehicle shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those prescribed and approved in the aforesaid statement.

IT IS FURTHER ORDERED, That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a common carrier.

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 (20) days' notice.

(S E A L)
ATTEST: A TRUE COPY

E. E. POLLOCK
Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

HENRY S. SHERMAN

EDWARD E. WHEELER

MALCOM ERICKSON
Commissioners

Dated at Denver, Colorado,
this 5th day of November, 1941.
JH

GENERAL APPENDIX

Refer to Paragraph I, pages 6 and 7 of the Rate Pamphlet dated June 30, 1939 and cancel, and in lieu thereof apply the following:

Paragraph I-1 cancels Paragraph I.

That the statutes of this State require all common carriers to receive freight from connecting line common carriers. Therefore, we find that all motor vehicle common carriers shall receive from and deliver to connecting line motor vehicle common carriers freight originating at or destined to points on such connecting line motor vehicle common carriers. Where a route is operated by a single line motor vehicle common carrier, joint through rates shall not be made by a combination of carriers on the basis of the through mileage, except by a specific order of the Commission, in each individual case. Where points are served by two or more motor vehicle common carriers and the longer route does not exceed the short route by more than 30 per cent, the carriers operating over the longer route may, without discrimination, meet the rate or rates of the carriers operating over the short route without maintaining the said rate or rates as maxima at directly intermediate points.

Paragraph L-1 cancels Paragraph L, page 7, Rate Pamphlet dated June 30, 1939.

Where the rates of the Railway Express Agency, Inc., are lower on any commodity than the rates contained herein, for service similar to that performed by any scheduled motor vehicle common carrier or Class A private carrier by motor vehicle competing with any such scheduled motor vehicle common carrier which is operating in competition with the Railway Express Agency, Inc., may meet the rate or rates of the said Express Agency. However, all scheduled motor vehicle common carriers or (c) Class A private carriers by motor vehicle, desiring to meet the rates of said Express Agency must publish and have on file with the Commission and keep open for public inspection schedules containing such rates.
(c) - Change - Represents neither an increase or reduction.

Refer to Paragraph P, Pages 8 and 9 of Rate Pamphlet dated June 30, 1939, and cancel all provisions contained therein. No such arrangements in effect.

SUPPLEMENT NO. 6 TO APPENDIX A

Exception to Ratings of the Classification

ITEM NO.	COMMODITY	RATING
52	Milk and Cream, fresh, in bottles in cases, or in shipping cans. Empty containers to be returned free. To apply between points on the lines of the Rocky Mountain Parks Transportation Company.	3rd

SUPPLEMENT NO. 5 TO APPENDIX B

Refer to Rule 2 1/4, Appendix B, and add the following to the "Exceptions to Rule No. 2."

The minimum charge for a single shipment (except trunks containing clothing and/or personal effects) from one consignor to one consignee on one bill of lading in one day between Denver, Colorado, and Boulder, Broomfield, Louisville, Lafayette, Erie, Frederick, Firestone, Dacono, Hudson,

Keenesburg, Eldorado Springs and Valmont, Colorado, shall be fifty (50) cents. On trunks containing clothing and/or personal effects, between the above named points the minimum charge shall be $1.00 per shipment.

Rule 17-A cancels Rule 17.

The provisions of paragraph I-1 will apply.

Rule 19-B cancels Rule 19-A.

BASIS FOR RATES ON QUANTITY SHIPMENTS

The rates herein prescribed subject to specified minimum weights will apply only on shipments of the designated minimum weights, except as otherwise specifically provided for, from one consignor to one consignee on one bill of lading in one calendar day running from midnight to midnight in one vehicle or combination of vehicles operated under a single power unit as limited by the Uniform Motor Vehicle Act (Chapter 164, S.L. 1935); provided, however, that when shipments are received in excess of the quantity that can be loaded in or on one truck (as hereinbefore qualified) the excess may be loaded in or on another truck or trucks and transported at the applicable rate on the entire shipment, subject to the following conditions:

The shipment shall be from one consignor at one origin to one consignee at one destination, on one bill of lading and be delivered by the shipper to the carrier in one calendar day running from midnight to midnight.

Each truck, except the truck carrying the excess, must be loaded to its full space or loading capacity.

Other shipments may be loaded in or on the truck carrying the excess; however, reference to the loaded truck movement shall be shown on the carrier's billing covering the excess; the carrier's billing covering the full load movement shall show the following notation, "Part lot to follow."

Any excess over and above the full truckload shall be removed from the premises of the shipper at the time the shipment is tendered to the carrier (except livestock, which may be held on the premises, and grain, when moving from the field), and the movement thereof shall start not later than thirty-six (36) hours after the receipt of the shipment.

On shipments of livestock destined to markets where more than one truck is used and only one billing is issued, said billing shall show the truck license number of each truck used in the movement.

(a) On single shipments from one consignor to one consignee on one bill of lading in one day in one vehicle or combination of vehicles (as hereinbefore designated) of the required minimum weight, composed of two or more articles subject to different less than truck-load ratings, carrier shall apply to the entire lot the rate applicable to the same quantity of the highest rated article in the shipment. Provided, however, that when the aggregate charge upon the entire shipment is less on the basis of the quantity rate and minimum weight (actual or authorized estimated weight to be charged for in excess of the minimum weight) for one or more of the articles and on basis of actual or authorized estimated weight at less than truckload rate or rates for the other article or articles, the shipment will be charged accordingly.

The class and column rates and minimum weights provided herein shall be applied to the applicable less than truckload rating of the article (whether arrived at under the Classification ratings or exceptions thereto.)

(c) - Represents a change in wording. Neither an increase or a reduction.

SUPPLEMENT NO. 5 TO APPENDIX D
(Milk and Cream)

A rate of 40 cents per 8 or 10-gallon can and 35 cents per 5-gallon can on cream, from farms located in authorized territory of the Air Line Express to Denver, Colorado shall apply. Empty cans to be returned free. The authorized territory is as follows:

Between Denver, Colorado, and points on U. S. Highway No. 36 east of Byers, Colorado, to the Colorado-Kansas state line, also 6 miles on each side of said highway; also an area 20 miles on each side of said highway from a point 10 miles east of Byers, Colorado, on farm produce, farm supplies, farm equipment and livestock, except between towns on U. S. Highway No. 40, or in competition with Harry Atteberry, Van Goodwin and Sons, and Elmo Motsinger.

Note:-The above prescribed rates shall not apply to Harry Atteberry in conflict with the rates prescribed on cream for account of said Atteberry in Decision No. 17271, dated June 14, 1941; nor shall same displace the rates prescribed on fresh cream, from Elba, Colorado to Denver, Colorado, in Decision No. 16190, dated November 23, 1940.

The following rates on milk and cream, in cents per 5-gallon can to Denver, Colorado, from Hugo, Flagler, 18; Seibert, 19; Stratton, Burlington, 20; Limon, 15, and Lads, 27. Such rates to apply at authorized intermediate points. Empty cans to be returned free.

Milk, fresh, from Denver, Colorado, to C.C.C. Camp N.P.-12-C (near Grand Lake, Colorado), 33 cents per case of 12 quarts. Empty containers to be returned free.

Fresh cream and fresh milk in cents per 10 gallon can, to Denver, Colorado, from New Raymer, 33; Stoneham, 31; Willard, 30; Grover, 35; Hereford, 35; Buckingham, 35; Gill, 25; Barnesville, 26; Cornish, 27; Fossston, 28; and Sligo, 35. Empty cans to be returned free.

SUPPLEMENT NO. 5 TO APPENDIX K
(Special Commodity Rates).

Refer to Item No. 66, Supplement No. 2 to Appendix K, Decision No. 15840, dated August 30, 1940, and cancel.

No such rates in effect. In lieu of the rates published in said item column rates will apply.

Item No.	Commodity	From	To	Rates in Cents per 100 Pounds
83	Wheat in sacks or in bulk. Minimum weight 28,000 pounds.	Cortez, Colo. Durango, Colo.	Monte Vista, Colo.	26
84	Sugar (1)Minimum Weight-1,000 Lbs. (2) " " 500 "	Durango, Colo.	Colo: Lewis; Pleasant View; Ackmen; Cahone; Dove Creek; North Dale	(1) 20 (2) 25
85	Canned Goods. Minimum weight 20,000 pounds	Canon City: Colo.	Denver, Colo: Colo. Springs, "	20

SUPPLEMENT NO. 4 TO APPENDIX L-3.

Refer to column Classification and make the following additions thereto:

Safety Fuse . . . . . Column Two

Rowboats or Outboard Motor Boards, with or without sails or power:
Canvas K.D. and folded, in boxes or crates.
Fibre, steel, wood or wood canvas covered, set up loose or in boxes, fibre cartons or crates.
Steel or wood, sectional, folded, or sections placed one within the other loose or in packages.
Wooden, folded flat, in crates.
) 2 1/2 X Column One.

(Decision No. 17826)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. V. Trusler)
)
)
)

PERMIT NO. C-13262

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. V. Trusler of Henderson, Texas, requesting that his Permit No. C-13262 be cancelled.

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 Permit No. C-13262, heretofore issued to W. V. Trusler be, and the same is hereby, declared cancelled effective, as of September 29, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1941.

G

(Decision No. 17827)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Charles E. Wells Music Co.) PERMIT NO. C-5216
)
)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Chas. E. Wells Music Co. of 1629 California, Denver, Colo., requesting that his Permit No. C-5216 be cancelled.

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 Permit No. C-5216, heretofore issued to Chas. E. Wells Music Co. be, and the same is hereby, declared cancelled effective as of September 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. T. Newman

Edward D. Dunker

Mrs. Ellen Eddy

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41.

G

(Decision No. 17828)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

PERMIT NO. C-13311

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. C. Gregory of Paonia, Colorado, requesting that his Permit No. C-13311 be cancelled.

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 Permit No. C-13311, heretofore issued to E. C. Gregory be, and the same is hereby, declared cancelled effective , as of October 3, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1941.

G

(Decision No. 17829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Fred Graves) PERMIT NO. C-13151
)
)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred Graves of 1309 14th St, Lubbock, Texas, requesting that his Permit No. C-13151 be cancelled.

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 Permit No. C-13151, heretofore issued to Fred Graves be, and the same is hereby, declared cancelled effective , as of October 10, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Newman

Edward D. C. Eccles

Mark Smith

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41.

G

(Decision No. 17830)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. B. Claybaugh & Ben H. Simpson) PERMIT NO. C-12484
d/b/a)
Claybaugh & Simpson)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. B. Claybaugh and Ben H. Simpson dba Claybaugh & Simpson of 804 Chipeta, Grand Junction, Colo, requesting that his Permit No. C-12484 be cancelled.

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 Permit No. C-12484, heretofore issued to J. B. Claybaugh & Ben H. Simpson d/b/a Claybaugh & Simpson be, and the same is hereby, declared cancelled effective, as of October 11, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41.

G

(Decision No. 17831)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-5270
O. A. Hiner)
)
)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from O. A. Hiner of Box 164, Springfield, Colo, requesting that his Permit No. C-5270 be cancelled.

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 Permit No. C-5270, heretofore issued to O. A. Hiner be, and the same is hereby, declared cancelled effective, as of October 13, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41.

G

(Decision No. 17832)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Jay M. Spangler) PERMIT NO. C-13196
)
)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jay M. Spangler of Delta, Colorado, requesting that his Permit No. C-13196 be cancelled.

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 Permit No. C-13196, heretofore issued to Jay M. Spangler be, and the same is hereby, declared cancelled effective, as of October 15, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1941.

G

(Decision No. 17833)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Humphrey Richards) PERMIT NO. C-12433
)
)
)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Humphrey Richards of Box 321, Nucla, Colorado, requesting that his Permit No. C-12433 be cancelled.

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 Permit No. C-12433, heretofore issued to Humphrey Richards be, and the same is hereby, declared cancelled effective , as of October 22, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41.

G

(Decision No. 17834)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
D. A. Critchfield)
)
)
)

PERMIT NO. C-13004

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from D. A. Critchfield of Sterling, Colorado, requesting that his Permit No. C-13004 be cancelled.

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 Permit No. C-13004, heretofore issued to D. A. Critchfield be, and the same is hereby, declared cancelled effective, as of October 23, 1941

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41

G

(Decision No. 17835)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Leland Crozier)
)
)

PERMIT NO. C-10587

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leland Crozier of Gould, Colo, requesting that his Permit No. C-10587 be cancelled.

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 Permit No. C-10587, heretofore issued to Leland Crozier be, and the same is hereby, declared cancelled effective as of October 23, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41

G

(Decision No. 17836)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Francis Bosley, d/b/a)
Bosley Grocery)
)

PERMIT NO. C-12865

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Francis Bosley d/b/a Bosley Grocery of 149 Bent Ave., Las Animas, Colo, requesting that his Permit No. C-12865 be cancelled.

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 Permit No. C-12865, heretofore issued to Francis Bosley, d/b/a Bosley Grocery be, and the same is hereby, declared cancelled effective, as of October 23, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ T. D. Thornton

/s/ Edward D. Dawes

/s/ Warren Grimes

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1941.

G

(Decision No. 17837)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
D. A. Millican)
)
)
)

PERMIT NO. C-11522

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from D. A. Millican of Lamar, Colorado, requesting that his Permit No. C-11522 be cancelled.

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 Permit No. C-11522, heretofore issued to D. A. Millican be, and the same is hereby, declared cancelled effective, as of October 24, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41.

G

(Decision No. 17838)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
M. V. Gawthrop) PERMIT NO. C-1503
)
)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. V. Gawthrop of Green Mountain Falls, Colo, requesting that his Permit No. C-1503 be cancelled.

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 Permit No. C-1503, heretofore issued to M. V. Gawthrop be, and the same is hereby, declared cancelled effective, as of October 25, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1941.

G

(Decision No. 17839)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Frank Gomez) PERMIT NO. C-12315
)
)
)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Gomez of Antonito, Colorado, requesting that his Permit No. C-12315 be cancelled.

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 Permit No. C-12315, heretofore issued to Frank Gomez be, and the same is hereby, declared cancelled effective, as of October 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41

G

(Decision No. 17840)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
George C & Jennie C. Harris , d/b/a Harris Lumber Co) PERMIT NO. C-11092
)
)
)

October 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George C. & Jennie C. Harris dba Harris Lumber Co of 222 Lincoln, Loveland, Colo, requesting that his Permit No. C-11092 be cancelled.

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 Permit No. C-11092, heretofore issued to George C & Jennie C. Harris, d/b/a Harris Lumber Co. be, and the same is hereby, declared cancelled effective, as of November 1, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1941.

G

(Decision No. 17841)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE RIO GRANDE SOUTHERN RAILROAD) APPLICATIONS NOS. 3958-B
COMPANY, CASS M. HERRINGTON, RECEIVER.) 3958-BB

October 31, 1941

Appearances: Cass M. Herrington, Denver, Colorado, as Receiver for The Rio Grande Southern Railroad Company, applicant;
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company, Rio Grande Motor Way, Inc.;
R. Franklin McKelvey, Esq., Durango, Colorado, for Cannon Ball Stage Lines;
James M. Nolan, Esq., Durango Colorado, for Veta Mines, Inc.;
Fairlamb and Fairlamb, Esqs., Telluride, Colorado, for Telluride Transfer Company;
Worth Allen, Esq., Denver, Colorado, for Moab Garage Company.

STATEMENT

By the Commission:

On June 28, 1937, by Decision No. 10248, Application No. 3958, by the present applicant, the Commission ordered inter alia:

> "that the public convenience and necessity require supplementary motor vehicle transportation service by applicant on irregular schedule along the route of the Rio Grande Southern Railroad Company between Ridgway, Colorado and Durango, Colorado and all intermediate points, over highways paralleling said railroad and adjacent thereto, for the transportation of passengers, freight, express, mails, and like traffic carried on the railroad in cases of emergency and interruption of train service, ***"

and pursuant to said order, PUC No. 1132 was issued to applicant, under

date of July 19, 1937, allowing such service.

Thereafter, by Decision No. 11788, the Commission extended PUC No. 1132 to include the branch line from Vance Junction to Telluride.

Thereafter, by Decision No. 15876 of the Commission, under date of August 31, 1940, Applications Nos. 3958-B and 3958-BB, filed by the present applicant, it was ordered inter alia:

> "that the present and future public convenience and necessity require, and will require, the proposed substituted motor vehicle service of applicant for the transportation of passengers, baggage, mail, express, freight and newspapers over the highways paralleling the line of applicant's railroad between Ridgway and Durango, including all off-route points, save and except that no substituted service shall be permitted between the towns of Cortez, Dolores, Mancos, and Durango and intermediate points, in competition with presently established common carrier service now serving between said points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following restrictions which, in the opinion of the Commission, the public convenience and necessity require:
>
> "(a) Such substituted service shall be limited to bus equipment with a compartment for the transportation of express and package freight, which, between Ridgway and Telluride, shall not exceed one thousand pounds in weight, and in all cases shall be limited to freight which originates on or is consigned to The Rio Grande Southern Railroad Company.
>
> "(b) That if and when operations of The Rio Grande Southern Railroad Company shall cease, then, in that event, the certificate of public convenience and necessity herein granted shall automatically be cancelled."

Thereafter, and on September 4, 1940, the applicant filed, in both of the above-numbered applications, a petition for reconsideration, in which it asked for the entry of an order clarifying the order of August 31, 1941:

> "so as to expressly permit applicant to substitute motor vehicle road service for rail transportation in the transporting of its passengers, baggage, l.c.l. freight, express and newspapers between Durango and Dolores, and return, including intermediate points on applicant's line (more particularly Hesperus and Mancos.)"

As grounds for said petition, the applicant stated that the Commission had indicated in its Statement that it realized that applicant had transported passengers, baggage, l.c.l. freight, express and newspapers between said points long prior to the advent of motor vehicle carriers, and that it still continues to do so within its ability, and to that extent, should be permitted to continue its business on the highways; that such an authorization would not be permitting new competition with established motor vehicle carriers in the true sense of the word; that the Commission evidently intended to permit such substituted service, only excluding service to and from Cortez, an off-line point; and that the abandonment of Trains Nos. 371 and 376 between Dolores and Durango would be imperative, leaving Dolores without adequate service, if such substituted service is not permitted.

Thereafter, the present applicant, under Application No. 5605, filed October 30, 1940, sought to discontinue said Trains Nos. 371 and 376 between Durango and Dolores, and to discontinue the operation of the station at Mancos, Colorado.

By Decision No. 17336, the Commission, under date of July 2, 1941, permitted the abandonment of rail motor busses between Durango, Colorado, and Dolores, Colorado, known as Trains Nos. 371 and 376, including the right to discontinue its agency station at Mancos, Colorado, said order becoming effective on the 15th day of July, 1941, subject to certain restrictions set forth therein.

By Decision No. 17105, entered May 6, 1941, the Commission set the Petition for Reconsideration above referred to for oral argument at Durango, Colorado, on May 16, 1941. Oral argument was not had, but the Commission, after consideration of the petition, on July 19, 1941, by Decision No. 17289, granted the Petition for Reconsideration, and the further hearing thereon was set for Durango, on August 15, 1941, at 9:30 o'clock A.M.

The above is a statement of the record, as of the date of hearing on August 15, 1941.

In stating his position, Mr. Herrington said that in the consideration of his Petition for Rehearing, the applicant did not want to be limited to one thousand pounds of l.c.l. freight a day into Telluride from Ridgway, nor did it want to be limited as to the terms of the authority granted. He stated also that he desired to amend Application No. 3958-B to show that applicant desired to serve Cortez from Ridgway and beyond and intermediate points, as well as from Durango and beyond and intermediate points, and amended Paragraph VII of Application No. 3958-B to read as follows:

> "Applicant requests permission to establish service for the transportation of passengers, baggage, mail, express, freight, and newspapers between Durango and Cortez and intermediate points and between Ridgway and Cortez and intermediate points, including interline traffic received from D. and R. G. W. R. R. Co. and Motor Way at both Durango and Ridgway, using highways paralleling its line and in connection with substitute service sought in application No. 3958-BB."

He also stated that he withdrew his consent to any suggested waivers or curtailments of operation, as suggested in negotiations with the Cannon Ball Stage Lines and the Moab Garage Company. It is apparent, inasmuch as these negotiations did not reach any definite conclusion, that such waivers or curtailments, insofar as they appeared in such negotiations, will not be considered under any theory of agreement between the parties.

The Receiver for Rio Grande Southern further testified at the rehearing, in part, that he now desires to go to the roads between Ridgway and Telluride, as well as between Durango and Dolores, and would also seek authority to discontinue trains between Ridgway and Telluride. Under his proposed plan of operation, rail motor bus service would still exist between Vance Junction (Bilk) and Dolores and carload traffic would still be handled over the entire line. He pointed out how mail

service would be expedited not only into Telluride but also into the Norwood-Nucla-County from Placerville. Considerable detail was also given concerning the operations of the railroad since the date of the last hearing. Some rehabilitation has been effected but for the first three months of 1941, there was a deficit of $7,000, whereas, for the last three months of 1940, the operations were "in the black" to the extent of approximately $7,000. We believe it unnecessary to discuss in detail all of this evidence. However, it is quite apparent that applicant requires all possible assistance to enable it to continue its entire line of rail operations for the purpose of serving the public convenience and necessity of the shippers of the San Juan Basin. Two witnesses for applicant, from Dolores, testified that if train service between Dolores and Durango was discontinued, they doubted if Dolores would be receiving adequate service, and it was stipulated that seven other witnesses from Dolores would testify substantially the same; also that two witnesses of Mancos testified the same as the Dolores witnesses.

The cashier of the bank at Cortez testified that "any additional service would be welcome." These witnesses also testified that the citizens of Cortez needed a service out of Durango late in the afternoon and it was stipulated that seven more witnesses from Cortez would testify substantially to the same facts.

On behalf of protestants, Ira Kelly, a resident of Mancos, and a stockman and County Commissioner, testified that there was no need for additional service at Mancos.

Three businessmen from Durango testified to the effect that the present service on the highways between Durango, Mancos, Cortez, and Dolores, was adequate to meet their shipping demands and this was the opinion of some of the witnesses even if the trains now operating between some of said points were discontinued, and it was stipulated that six other Durango witnesses would testify to similar conditions.

Another witness from Cortez, who publishes a paper at that point, testified that was no need of any other service between Durango and Cortez, or vice versa, even if the motor bus trains were eliminated, and it was stipulated that four other witnesses from Cortez would testify in a similar manner. It was further stipulated that nine witnesses from Telluride, three from Grand Junction, and two from Montrose would testify that the service now being rendered in their vicinities to the points in question was sufficient to meet the public convenience and necessity. Mr. C. J. Shuler, one of the owners of a truck line operating twice a week between Grand Junction and Telluride, testified that they had tried out a six-day a week schedule between Montrose and Telluride, but that same did not pay, that present service is adequate and he felt no enlargement should be made of the authority heretofore granted applicant.

C. S. Thompson, Moab, Utah, (who operates the Moab Truck Line, and transports freight locally between Durango and Dolores, and from and to Dolores and Cortez, to and from all points west) testified that he was just about "breaking even"; that there was no need for additional service, and that he could put on extra trucks if business required.

M. B. Stone, operator of the Cannon Ball Stage Line, detailed his own operations, and stated that if the motor bus trains were discontinued, there would still be no need for additional service; that present service is entirely adequate to meet the public convenience and necessity of the public.

This evidence does not present any particularly different situation than existed at the time of the former hearing. In our opinion, if the service sought does not materially exceed and is only coordinate with present established rail service, it should be granted. If the receiver were only to handle on the roads the l.c.l. freight and express that is now being handled by train, competing motor truck service could

have no just complaint. The railroad was in the territory rendering this service long before any of protestants were operating. While the business which they have built up is undoubtedly due to more expedited and better service than was furnished by the rail lines serving some of the points in question, yet the fact remains that considerable of this business must have been taken from the railroad in the first instance. The problem in the instant case is to permit a more economical operation by applicant that will not offer any substantial new competition to established operators, having always uppermost in mind the rights of the shipping public. We pointed out in our former opinion that we felt the continued operation of applicant's line to be very essential to the welfare of the shipping public served by same and this public convenience and necessity which is so clearly demonstrated by the record is the reason upon which any certificate of public convenience and necessity granted herein is based.

So far as service to and from Cortez is concerned, the least that can be said is that the evidence is conflicting. Certainly, the record does not disclose that the public convenience and necessity of the residents and shippers of Cortez require any additional service over what they are now receiving. Cortez was never served by the Rio Grande Southern Railroad Company. To permit applicant to now serve said point merely because his route will carry him through said town removes all question of a coordinated service and would require much stronger proof than is evident in this record to justify the Commission in granting such authority.

In Indiana Railroad, Bowman Elder, Receiver, Common Carrier Application No. MC-48645 (Sub. No. 3) 1 Federal Carriers Cases 369, which was an application filed for the purpose of substituted motor carrier service in lieu of rail service, applicant sought authority to serve the town of Reddington as an intermediate point on its proposed route, but as

in the case of Cortez, Reddington had not heretofore been served by the railroad. The Interstate Commerce Commission, in its decision, states:

> "Reddington is not served as an intermediate points on the present railroad line, and, since the authority herein requested is for the purpose of enabling applicant merely to institute motor carrier service in lieu of rail service, the granting of authority to applicant to serve Reddington would not be maintaining the same service as is provided by rail, and would permit applicant to enter into a new competitive field directly in competition with established carriers. Since the expressed purpose of the considered application is to enable applicant more efficiently to render service to points long served by it and not to permit applicant to broaden the competitive field, no authority may be granted hereunder authoirzing service to a point not now served by applicant in its rail service, in the absence of a showing that such service is required by the public convenience and necessity. The record does not show that applicant proposes to render a service not now provided to Reddington or that existing service to this point is in any way inadequate. It is therefore, clear that no authority should be granted hereunder authorizing service to this point."

It is true in the instant case that applicant is seeking authority to serve Cortez by the amendment to his application permitted at the hearing but nevertheless, in our opinion, there is no showing that the present service to Cortez is inadequate. This same Indiana Railroad case supra was referred to in our Decision No. 16396 denying application for rehearing in the matter of the application of Rio Grande Motor Way, Inc., Denver, Colorado, for certificate of public convenience and necessity to operate motor vehicle line for the transportation of railroad freight, only, between Alamosa and Antonito and intermediate points, decided January 6, 1941, as authority for the granting of a certificate permitting coordination of rail and motor service. Formerly, the I.C.C., in granting railroads certificates for substituted motor truck service, imposed supplementary restrictions attempting to confine the freight to be moved by motor truck to such freight as had a prior rail movement, or, would have a subsequent rail movement. However, in Application No. 7432, Indiana Railroad, Bowman Elder, Receiver, No. MC-48645 (Sub. No.4)

1 Federal Carriers Cases, 475, the Interstate Commerce Commission granted the applicant railroad the certificate to operate as a common carrier without any supplementary restrictions.

In further discussing the questions involved, the Commission states:

> "Protestants contend that the evidence does not disclose that existing motor carrier service is inadequate, and that the application should therefore be denied. We have in prior decisions stated that existing motor carriers should normally be accorded the right to transport all traffic which they can handle adequately, efficiently, and economically as against any person seeking to enter the field. We do not believe, however, that the granting of the authority sought herein is fundamentally in conflict with that principle. In the first place, the evidence discloses that there is a need for a continuance of service to Clayton, Pecksburg, Amo, Coatsville, and Fillmore which is not met by any existing motor carrier. As to other points involved herein, applicant is not a newcomer in the field in the usual sense since its facilities will be utilized largely by shippers who have long used and depended upon its service. The authorization of a substitute motor service will not materially intensify the competition which now exists. While it may be condeded that the advent of applicant into the motor carrier field may divert some traffic from these carriers, the contemporaneous abandonment of rail service will no doubt also contribute to them some new business since it is inconceivable that applicant could hold all its former customers. In the end any diversion of traffic one way or the other can most logically be attributed to a superior service. It cannot be said that competition fostering such improved service is detrimental to the public interest. Moreover it is evident that the abandonment of rail service herein will result in a need by shippers for additional motor carrier transportation which must be supplied by existing motor carriers or by a substituted motor carrier operation by the former rail carrier. Under the circumstances we consider it entirely equitable to authorize the substituted service rather than to deny the application in order that existing motor carriers may expand. Any other conclusion would compel either continuation of an unsuccessful rail operation or partial dissolution at least of a long established organization with inevitable unemployment and readjustments which should be avoided if possible."

We believe that the above is on "all fours" with the present situation. If economies in operation can be effected by the receiver, it is quite apparent from the record that the Rio Grande Southern may have

to cease operations entirely. In that event, Rico and Ophir would be without any service, and this would be true of passenger service between Ridgway and Telluride, and in addition to the above, based on the 1940 figures, some 3,500 carloads of forest products, livestock and ore and concentrates, would have to be moved by truck and over highways, a portion of which at least are more or less unimproved.

In our former opinion, we limited operations between Ridgway and Telluride to a total of 1,000 pounds of express and baggage freight with the further proviso:

> "and in all cases shall be limited to freight which originates on or is consigned to Rio Grande Southern Railroad."

The receiver, in his brief, points out that the words "consigned to" probably were intended to mean "routed over." However, upon reconsideration, it appears that this language is meaningless as any freight so transported must of necessity originate on or be routed over the line of the Rio Grande Southern Railroad.

In view of the testimony of the receiver as to what kind of equipment he proposes to use, we do not believe that any restrictions as to weight of shipments should be imposed. Protestant, Telluride Transfer, wants the movement of freight from Ridgway limited to delivery at Vance Junction, or the foot of Keystone Hill. However, the Receiver desires service into Telluride proper. It should be pointed out that while trains formerly ran into Telluride, in recent years, a transfer has been made to truck at Vance Junction and the rail motor busses have not gone into Telluride. Nevertheless, we do not believe protestant can seriously object to the receiver serving Telluride direct as he faced this same competition when he obtained his own certificate. In determining the right to transport passengers on the south end of the line, or from Durango west and north, we must also bear in mind that the trains now carry some passengers. Applicant's schedule will leave Durango later than the Cannon Ball Stages. The owner of this line testified that in his opinion the

number of passengers going west from Durango, that arrive on the Rio Grande Western train, would not exceed three a week. Will applicant on his road operations haul any more passengers from Durango and Dolores, and intermediate points, than he is now transporting via rail? We do not know, but at least it is doubtful. The precarious condition of applicant and its ability to "keep the railroad going" must of necessity have some weight in our decision on this point. We believe it is obvious that any certificate granted should be conditioned upon applicant discontinuing train service. If applicant is not to be restricted to strictly interline movements, then, in that event, we feel that the competition should not be compelled to face both operation by applicant via rail as well as via truck.

We believe that due to the fact that any certificate granted is based upon the proposition that the continued operations of the Rio Grande Southern for carload traffic is necessary to adequately serve shippers along the route of Rio Grande Southern, that the restrictions in the original order that the certificate should automatically be cancelled if Rio Grande Southern abandons operations to be proper and the same should be retained. We are further of the opinion that the restrictions contained in our original order relative to the equipment to be used by applicant is proper. While the receiver has objected to any restrictions upon his operations, yet there is no indication in the record that he expects to use any different equipment than his testimony indicated at the former hearing. By limiting his equipment to that which he proposes to use and also limiting his schedules to one a day each way, subject to the further order of the Commission, we believe that the purpose of the Receiver in filing his application will have been accomplished and that insofar as practical, the certificate will grant a real "substituted service" against which protestants could have but little objection and which, in our opinion, will best serve the public convenience and necessity of the public at large.

After careful consideration of the record, the Commission is of the opinion, and finds, that our original Decision No. 15876, dated August 31, 1940, should be amended to conform to our findings herein.

O R D E R

IT IS ORDERED:

That the order part contained in our original Decision No. 15876, dated August 31, 1940, should be, and the same hereby is, amended to read as follows, viz:

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require, and will require, the proposed substituted motor vehicle service of applicant for the transportation of passengers, baggage, mail, express, l.c.l. freight and newspapers, over the highways paralleling the line of applicant's railroad between Ridgway and Durango, with the right to serve intermediate points, including Telluride, but not including the Town of Cortez, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following restrictions which, in the opinion of the Commission, the public convenience and necessity require:

(a) Such substituted service shall be limited to passenger bus equipment with a compartment for the transportation of express and package freight and shall also be limited to one scheduled operation each way for any twenty-four-hour period, subject to such further order, or orders, as the Commission may herein deem necessary.

(b) Said substituted service shall only be permitted between Ridgway and Telluride and Durango and Dolores, if and when, under legal authority, applicant discontinues motor bus rail service between said points.

(c) That if and when operations of the Rio Grande Southern Railroad Company shall cease then, in that event, the certificate of public convenience and necessity hrein granted shall automatically become cancelled.

(d) The Commission retains jurisdiction of the instant matter

to the end that such further order, or orders, may be entered herein as the public convenience and necessity may require.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1941.

mw

(Decision No. 17842)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. C. BURNETT.) P.U.C. No. 1385-I
)

October 31, 1941.

S T A T E M E N T

By the Commission:

On August 29,1941 ~~xxxxx~~, by order of the Commission, Decision No. 17591, W. C. Burnett of 321 Phoenix National Bank Bldg.,Phoenix, Arizona was given authority to suspend operations under PUC No. PUC 1385-I for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary certificate of insurance, cash deposit, and otherwise having complied with the rules and regulations of the Commission governing interstate carriers, the Commission is of the opinion and finds that said order of suspension should be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and hereby is, set aside and that PUC No. 1385-I be, and the same hereby is, restored to its active status as of the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of Oct., 1941., ~~1941~~.

(Decision No. 17843)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ARTHUR W. GOSNELL.) PERMIT NO. B-2657
)
)
)

Oct. 31, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Arthur W. Gosnell of Gould, Colorado, requesting that his Permit No. B-2657 be cancelled.

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 Permit No. B-2657, heretofore issued to Arthur W. Gosnell, be, and the same is hereby, declared cancelled effective October 20, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. T. Thurman

Edward D. Hawley

Marion Ericson

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 19 41

R

(Decision No. 17844)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF THE WESTERN SPECIFICATION OIL COMPANY, OF 1900 CHAMPA STREET, DENVER, COLORADO.

PERMIT NO. B-1717-I.

October 31, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above permittee requesting that Permit No. B-1717-I be suspended for a period of ninety days.

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

O R D E R

IT IS ORDERED:

That the Western Specification Oil Company should be, and hereby is, allowed to suspend its operations under Permit No. B-1717-I for a period of not to exceed ninety days from October 1, 1941.

That unless said Western Specification Oil Company shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to interstate carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1941.

R

(Decision No. 17845)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GUSTAVE S. RUDOLPH, OF BLACKHAWK,) PERMIT NO. A-1132
COLORADO.)

October 31, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. A-1132 be suspended for a period of six months.

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

O R D E R

IT IS ORDERED:

That Gustave S. Rudolph should be, and hereby is, allowed to suspend his operations under Permit No. A-1132 for a period of not to exceed six months from October 27, 1941.

That unless said Gustave S. Rudolph shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1941.

R

(Decision No. 17846)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ED HAINES AND S. N. DRUM, DOING BUSINESS AS HAINES MOTOR FREIGHT, 158-5th Street, Durango, Colorado, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 5339 Petition for Rehearing, Reargument and Reconsideration

October 30, 1941.

S T A T E M E N T

By the Commission:

On October 2, 1941, Decision No. 17737, the Commission denied the application of applicants herein for a certificate of public convenience and necessity. On October 20, 1941, they filed application for rehearing, assigning nine alleged grounds, or reasons, why said decision was erroneous, seven of which were general allegations to the effect that said decision was contrary to evidence, contrary to law, contrary to law and facts, arbitrary, capricious, unjust, unreasonable, and unlawful. Our attention was not directed to any specific matters supporting said conclusions or allegations.

It is alleged under Paragraph No. 8 that said decision is permeated with bias and prejudice as evidenced by period of time taken to hear, consider, and decide said matter; the statement of the Commission that said application, and evidence in support thereof, was substantially the same as in a previous application filed by applicant, and evidence offered in support thereof, which said former application had been denied by the Commission; the claim that some evidence was ignored and some misstated; and an alleged mis-statement appearing in decision "that unless it can be shown that common carriers are operating at a loss, an additional certificate should issue."

In considering this alleged assignment of error, the Commission is at a loss to understand why the fact that numerous hearings were had in said matter over a considerable period of time, which resulted in a record of 492 typewritten pages, besides a great number of exhibits and pleadings, which required several months' time for consideration by the Commission (including the new member thereof mentioned in said petition) before a decision was entered, can be construed to show bias or prejudice. Moreover, as counsel well knows, the Commission at the same time was engaged in taking testimony in a great number of applications for line-haul certificates between Trinidad, Walsenburg, Pueblo, Colorado Springs, Denver, Greeley, Lamar, La Junta, Las Animas, Ordway, Canon City, Grand Junction, Cripple Creek, and intermediate points, said hearings not being concluded until about the time the decision issued herein, and that the Commission desired to defer entering a decision in any of said matters, including instant matter, until all said hearings were completed. In addition, we heard nearly 1,500 additional matters in the same period of time and entered formal orders thereon.

The application was not denied upon the ground of res adjudicata or stare decisis. We said:

> "We do not hold that the rule of res adjudicata or stare decisis applies to proceedings before us."

In fact, we doubt that it does. It was not necessary to, and we did not determine that question herein. We found from the evidence, and still are of the opinion, that common carriers presently operating are furnishing adequate service and that public convenience and necessity does not require the proposed Haines' service. We stated, incidentally, "that substantially the same issues herein involved were before the Commission for determination in Application No. 5028, and the record there made, and the decision of the Commission thereon, in effect, practically determined and decided the same matters herein presented," and we believe that is true. A great number of the witnesses testify-

ing herein testified at former hearing. Their testimony in both proceedings was substantially the same; so, after all, we twice passed on substantially the same record and arrived at the same conclusion in both instances. The instant application was determined on its merits and on the record made herein, and our conclusion was the same as our conclusion upon the record in the former proceedings.

We cannot agree that we ignored any testimony or misstated the evidence. We believe that it is a fair inference from testimony offered at the hearing, and statements and argument of counsel made therein from time to time, as well as his contentions on brief, that applicant did contend "that unless it can be shown that common carriers are operating at a loss, an additional certificate should issue." However, even though applicant did or did not intend, to so contend, our decision would still be the same. We did not deny the application because the carriers were, or were not, operating at a loss.

In the alleged assignment of error numbered 9, applicant contends that the Commission in arriving at its decision could not consider the unlawful operations of applicant as a common carrier under private carrier authority. Counsel claims that "such a finding can only be made in a separate proceeding charging applicants with unlawful operations, and such a finding could only be entered after a hearing wherein applicants would be given an opportunity to defend themselves." Applicants had ample opportunity to defend themselves. In fact, our findings were based upon the statements made by applicants and their witnesses and their counsel at the hearings and the records and files of the Commission in re their private carrier operations. We cannot agree with counsel's position. Qualifications, including fitness of applicants to serve, are also proper matters to be considered in passing on application for a certificate of public convenience and necessity. Applicant and his counsel, in effect, if not by actual admissions, repeatedly conceded that their so-called private carrier operations, in view of the decision of the Supreme Court in the McKay case, were unlawful. They feared that they would be compelled to curtail said operations if the Commission (or perhaps

their competitors) sought to compel applicants to operate in compliance with the law announced in said case. In our decision we might have, but did not, comment on the fact that applicant, without authority from the Commission, has been operating as a common carrier and a private (contract) carrier at the same time with same facilities, which practice was expressly condemned in the McKay decision.

In Hubert et al v. P.S.C. 180 Atl. P. 23, a Pennsylvania case, where applicants while transporting goods and freight as common carriers, in trucks, in interstate service, had for several years persisted in picking up and hauling goods and freight along the lines of their route in Pennsylvania for delivery in intrastate service in said state, claiming to do so as private carriers, the Public Service Commission denied application for certificate to operate as a common carrier by motor vehicle for hire over the same routes in intrastate commerce, on account of their illegal operations in the past. The Supreme Court held that said action by the Commission was not illegal and that there was no abuse of discretion in the refusal of the Commission to issue a certificate without passing on the question whether such illegal service, when carried on by some proper person, might be advisable and for the public convenience; that the Commission has a right in passing on such an application to consider the fitness of the applicant in the light of his past record. That said service had been illegal because "a common carrier, whether individual or corporate, who has transported goods or freight by truck, in interstate commerce, cannot at the same time, on the same trip, and with the same truck, haul or transport goods or freight as a private carrier."

In Motor Truck Transfer v. Southwestern Transportation Company, 122 S. W. 2d, Page 471, where the Supreme Court of Arkansas upheld the refusal of the Public Service Commission to grant a certificate of public convenience and necessity because applicant, operating under a temporary permit, had failed to comply with the rules and regulations

of the Commission, the Court also stated:

> "Without attempting to be too critical of the conduct of others, it appears to us that the only arbitrary action that has been taken in this whole controversy arises out of the conduct of Mr. Garms and his corporation in their refusal to be bound by the regulatory provisions of the Commission. The right to make rules and regulations necessarily implies a power that may be exercised for their enforcement."

We believe that we fairly considered not only the transportation needs and welfare of the people of the San Juan Basin and other territory affected, as a whole, but the convenience and necessity of the shippers and receivers of freight, individually and collectively. The now authorized common carrier transportation services by motor vehicle and rail are adequate and meet the requirements of the public's convenience and necessity in such a way that the needs, growth, and welfare of all the communities involved are reasonably met and supplied. We do not believe that the granting of a certificate to Haines would in any appreciable degree enhance the public welfare or stimulate the growth and development of the business, social, agricultural, and industrial life of said communities. We have carefully considered each and every alleged assignment of error and are of the opinion that no error was committed, and that the evidence and record amply support the findings and decision of the Commission and are of the opinion that said application for reharing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That said application be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1941.

JH

(Decision No. 17847)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-12775
Ruben Garcia)
)
)

November 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ruben Garcia of Box 144, San Luis, Colo, requesting that his Permit No. C-12775 be cancelled.

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 Permit No. C-12775, heretofore issued to Ruben Garcia be, and the same is hereby, declared cancelled effective as of October 30, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Newman

Edward D. Knowles

M. Allen Simon

Commissioners.

Dated at Denver, Colorado,
this 3d day of November, 19 41.

G

(Decision No. ~~17846½~~ 17848)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Veryl Storer) PERMIT NO. C-8532
)
)
)

November 3, 1941

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Veryl Storer of Ogallala, Nebraska, requesting that his Permit No. C-8532 be cancelled.

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 Permit No. C-8532, heretofore issued to Veryl Storer be, and the same is hereby, declared cancelled effective , as of October 27, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thurman

Edward W. Carroll

Walter Erickson

Commissioners.

Dated at Denver, Colorado,
this 3d day of November, 1941.

G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF F. D. AND H. O. CHADWICK, OF CARR, COLORADO

CASE NO. 17136-INS.

November 5, 1941.

S T A T E M E N T

By the Commission:

On October 16, 1941, the Commission entered an order revoking certificate of public convenience and necessity No. 1171 for failure to file certificate of insurance covering cargo liability. It now appears that the only commodity which may be transported under said certificate is milk and the Commission has heretofore waived the requirement of cargo insurance for the transportation of milk.

The institution of the insurance case was an error due to the fact that the original authority under said certificate covered the transportation of other commodities which have since been eliminated.

We have been requested to reinstate said certificate and, after careful consideration of the record, the Commission is of the opinion, and so finds, that request should be granted.

O R D E R

IT IS ORDERED:

That the decision of the Commission in the instant case, dated October 16, 1941, be, and the same is hereby, set aside and said Certificate of Public Convenience and Necessity No. 1171 is reinstated, effective October 16, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 5th day of November, 1941.

RG

(Decision 17850)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
LEE AND RUTH TAPP, DENVER, COLORADO,) APPLICATION NO. 5469-PP-B
FOR AN EXTENSION OF PERMIT NO. B-2557)

November 5, 1941

S T A T E M E N T

By the Commission:

The instant matter was set for hearing at Denver, Colorado, on October 23, 1941. However, when the case was called, no appearance was made for applicant and motion was made that the application be dismissed for lack of prosecution.

Subsequent to said date, the Commission has received a letter from applicant in which he states that he was unable to attend the hearing due to the fact that his truck got "stuck in the mud" and he did not reach Denver until 12:00 o'clock Noon, while the case was set for 10:00 o'clock, A. M. He now requests a further setting.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant case, be and the same is hereby, reset for hearing at 330 State Office Bldg., Denver, Colorado, on the 13th day of November, A. D., 1941, at the hour of 10:00 o'clock, A.M.

IT IS FURTHER ORDERED, That notice of said rehearing be sent to T. A. Stockton, Jr., Esq., for the Colorado Motor Carriers' Association, who was the only protestant entering his appearance at the original hearing, and to applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 5th day of November, 1941.

(Decision No. 17851)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES W. AND EDYTHE HOHLENCAMP,)
OF 232 MADISON, C/o EARL VENRICK,) PERMIT NO. B-2509
DENVER, COLORADO.)

November 3, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittees requesting that Permit No. B-2509 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2509, heretofore issued to Charles W. and Edythe Hohlencamp, be, and the same is hereby, declared cancelled, as of September 22, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1941.

R

(Decision No. 17852)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE P. WOOD, OF LONGMONT,)
COLORADO, C/o BILL ROBINSON,) PERMIT NO. B-2378
436 KIMBARK ST.)

November 3, 1941.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George P. Wood, requesting that his Permit No. B-2378 be suspended for a period of six months.

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

O R D E R

IT IS ORDERED:

That George P. Wood should be allowed to suspend his operations under Permit No. B-2378 for a period of not to exceed six months from November 1, 1941.

That unless said George P. Wood shall, prior to expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1941.

R

(Decision No. 17853)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * * *

RE MOTOR VEHICLE OPERATIONS OF W. H. McMULLEN, DOING BUSINESS AS McMULLEN TRUCK LINE, COPE, COLORADO, P. U. C. NO. 1324.	)	CASE NO. 4874

November 6, 1941

Appearances: E. B. Evans, Esq., Denver, Colorado, for the Commission;
Marion F. Jones, Esq., Denver, Colorado, for respondent.

S T A T E M E N T

By the Commission:

On August 25, 1941, Decision 17537, the Commission issued its order directed to W. H. McMullen, doing business as McMullen Truck Line, to show cause why his certificate of public convenience and necessity No. 1324 should not be cancelled for failure to remit for COD collections within the time prescribed by law and our rules and regulations. Two specific instances are set forth in said show cause order, one covering a shipment on or about December 6, 1940, by the Union Supply Company, of Denver, Colorado, consigned to A. L. Scofield, at Joes, Colorado, in the sum of $18.34; and another shipment, on December 26, 1940, from the same consignor to the same consignee, and for the same amount.

At the hearing, it developed that the correct amount of the first item was $19.37, and that said shipment had not been made by respondent but over the lines of the Air Line Express Company.

In reference to the second item of $18.34, it was shown that respondent had not actually collected said amount from consignee until after the issuance of said show cause order and at time of hearing had reimbursed Union Supply Company.

Counsel for the Commission offered to produce evidence of other violations on the part of respondent in connection with COD remittances, which offer was refused by the Commission upon the grounds that they were not specified in the show cause order.

A motor vehicle common carrier has no authority to deliver COD shipments without collecting the amount due thereon and, when such delivery is made, in our opinion, the carrier becomes liable for the amount of the COD irrespective of whether same has been collected or not.

This shipment was made in December, 1940 and the show cause order was not issued until August, 1941. In the meantime, the consignor was deprived of both its merchandise as well as the selling price thereof.

Respondent has been in the motor vehicle common carrier transportation business long enough to know that he must comply with the law and the rules and regulations of the Commission, and the proper collection and prompt remittance of COD shipments is one of those duties which a common carrier undertakes to perform when he is granted his authority.

After careful consideration of the record, the Commission is of the opinion, and so finds, that certificate of public convenience and necessity No. 1324, and the right of respondent to operate thereunder, should be suspended for a period of sixty days from the effective date of this order with the proviso that the said W. H. McMullen, if he so desires, may pay to the Commission for the use of the State of Colorado, the sum of $25.00 as a penalty in lieu of said suspension.

O R D E R

IT IS ORDERED:

That said Certificate No. 1324, and the right of respondent to operate thereunder, be, and the same is hereby, suspended for a period of sixty days from the effective date of this order.

That in lieu of said suspension, said respondent may, if he so elects, pay the sum of $25.00 to the Commission, for the use of the State of Colorado, as a penalty herein, in which event said suspension order

shall become non-effective without further action by the Commission.

That this order shall become effective November 25, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1941.

G

(Decision No. 17854)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF M. B. STONE, DOING BUSINESS AS THE CANNON BALL STAGE LINES, FOR CLARIFICATION OF AUTHORITY.

APPLICATIONS NOS. 347-AAA 522-A, 649-AA, 1350-AB 1392-A and 1819-A

November 6, 1941

Appearances: R. Franklin McKelvey, Esq., Durango, Colorado, for applicant;
T. A. White, Esq., Denver, Colorado, for Denver & Rio Grande Western Motor Way, Inc.

S T A T E M E N T

By the Commission:

M. B. Stone, Durango, Colorado, doing business as the Cannon Ball Stage Lines, is now operating under certificate of public convenience and necessity No. 59. Said certificate covers various operating rights that have heretofore been granted by the Commissions in Applications Nos. 347, 522, 649, 1350, 1392, and 1819, which rights have heretofore, and under approval of the Commission, been duly transferred to applicant herein. The instant application seeks a clarification of the actual operating authority contained in the various decisions rendered under said application numbers and to some extent at least constitutes an application for additional authority over that actually prescribed in said decisions.

Testifying in his own behalf, applicant stated inter alia that he had been operating as a common carrier since May 1, 1925, and that his present authorities had been obtained by purchase or by direct application to the Commission.

He also is the owner of certain interstate rights granted by the Interstate Commerce Commission as his operations extend into the State of

New Mexico. Under said certificates, he is now actually operating, and he and his predecessors have actually been operating for a number of years, in the transportation of passengers, baggage of passengers, light express, mail and newspapers, both ways, between the points of Durango, Colorado, and the Colorado-New Mexico state line and all intermediate points over U. S. Highway No. 550; from Durango to Mancos, Cortez, and Dolores, and all intermediate points, and return via Highways U. S. 60 and Colorado Highways Nos. 145 and 147; from Dolores and Cortez to the Colorado-New Mexico state line and all intermediate points, and return, including the off-route point of Towaoc over Highways Colorado 145 and 147, and U. S. Highways Nos. 160, 84, and 666. He is operating daily, seven days a week, running two schedules from Durango to Farmington and one schedule between Durango and Gallup, as well as two schedules between Cortez and Dolores. The operation between Durango and Gallup, New Mexico is by way of Aztec, Farmington, and Shiprock, and the operation from Durango via Mancos, Cortez, and Dolores, connects at Shiprock with the Gallup bus. In all of these operations, applicant has been transporting passengers' baggage, as well as express, and in some instances, mail and newspapers, although the records disclose that in Application No. 649, the authority granted was limited to the transportation of passengers and baggage, only; said application further authorizes applicant to transport passengers on round trip tickets requiring the return trip to be made on the same day; Application No. 1350-AB limits applicant's operations between Dolores and the Colorado-New Mexico state line to travel on Colorado Highway No. 145. The evidence disclosed that applicant has also been using Colorado Highway No. 147 for this operation because Highway No. 145 is a graveled road over which it is approximately 12 miles from Cortez to Dolores, while Highway No. 147 is an oiled, surfaced road and, while it is approximately 20 miles from Cortez to Dolores via said highway, applicant usually uses this road as it is easier on his equipment and much better to travel in bad weather. His interstate authority covers both highways.

It developed at the hearing that under the authority obtained by applicant in Application No. 1350, authority was granted which covered the transportation of passengers between the city of Durango and all points outside within the counties of La Plata, Montezuma, Dolores, Archuleta, and San Juan. However, applicant stated that he had not used this authority, and as his application for clarification does not include same, we shall consider that it has been abandoned and is not now desired by applicant. No protests were interposed to the nature of the clarification or the extension desired by applicant. As heretofore stated, he has actually been operating under the impression that he had the authority which he now seeks and it does not appear that any adverse interests would be effected but rather that it would be in the public interest to authorize the authority sought.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity requires the proposed clarification and extension of authority sought by applicant.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require that M. B. Stone, doing business as Cannon Ball Stage Lines, be, and he is hereby, authorized under the authority and certificates heretofore granted by the Commission in Applications Nos. 347, 522, 649, 1350, 1350-AB, 1392, and 1819, to transport passengers, baggage of passengers, light express, mail, and newspapers in scheduled operations and in both intrastate and interstate commerce, between the points of Durango, Colorado, and the Colorado-New Mexico state line and all intermediate points, and return, over U. S. Highway No 550; from Durango to Mancos, Cortez, and Dolores, and all intermediate points, and return, over Highways U. S. No. 160 and Colorado Nos. 145 and 147; from Dolores and Cortez to the Colorado-New Mexico state line and all intermediate points, and return, including the off-route point of Towaoc, over Highways Colorado Nos. 145, 147, and U. S. Highways, Nos. 160, 84, and 666, and this

order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That all of the above described operations shall be conducted by applicant under Certificate of Public Convenience and Necessity No. 59.

That all operating rights now owned by the said M. B. Stone, by virtue of any and all decisions of the Commission, heretofore made in Applications Nos. 347, 522, 649 1350 and 1350-AB, 1392, and 1819, shall be cancelled except for the authority authorized in the first paragraph of this order.

That the interstate authority hereinbefore granted shall be subject to the provisions of the 1935 Federal Motor Carrier Act and Amendments thereto.

This order is made a part of the certificate granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of November, 1941.

G

(Decision No. 17855)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

IN THE MATTER OF THE FORM AND FILING OF CERTIFICATE OF INSURANCE BY COMMON, PRIVATE, AND COMMERCIAL CARRIERS BY MOTOR VEHICLE.	)	FIRST REVISED GENERAL ORDER NO. 48.

November 6, 1941.

S T A T E M E N T

By the Commission:

On May 21, 1937, this Commission entered an order relative to the form and filing of certificates of insurance by common, private, and commercial carriers by motor vehicle, which was designated as "General Order No. 48," and became effective July 1, 1937.

Since the issuance of said General Order No. 48, a request has been made that "Form 7-Ins" should be revised in certain particulars, and that the following form of endorsement should be substituted in lieu of "Form 7-Ins" now contained in said General Order No. 48:

"THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

FORM 7 - INS. REVISED

PUBLIC LIABILITY AND PROPERTY DAMAGE ENDORSEMENT
FOR COMMERCIAL CARRIERS.

(This form of endorsement is required on all policies of public liability and property damage insurance issued to Commercial Carriers by Motor Vehicle, as provided by Third Revised General Order No. 46, and may be used only where specific equipment is described in the policy.) - (Form 5-Ins. should be used whenever the waiver of description of equipment is desired.)

The policy to which this endorsement is attached is written in pursuance of, and is to be construed in accordance with,

Sections 327 to 347, inclusive, Chapter 16, 1935, C. S. A.
as amended,

and the rules and regulations of the Public Utilities Commission of Colorado adopted thereunder and applicable to the Insured. In consideration of the premium stated in the policy to which this endorsement is attached, the Insurer agrees to pay any final judgment within the limits set forth in the policy or endorsements attached thereto, for injury to, and/or death of persons (with the exception of any employee of the Insured), and damage to property (excluding property of the Insured or property which is rented or leased by the Insured or property carried in or upon any automobile of the Insured) resulting from the ownership, maintenance, or use of any such motor vehicles and/or trailers as are described in said policy, pursuant to a permit issued by the Public Utilities Commission of Colorado, and further agrees that upon the failure of the Insurer to pay any such final judgment, such judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. It is understood and agreed by and between the Insurer and the Insured that the right of any person to recover hereunder shall not be affected by any act or omission of the Insured or of any employee of the Insured with regard to any condition or requirement of said policy, but all the terms and conditions of the policy shall remain in full force and be binding as between the Insuror and the Insured; and the Insurer shall be reimbursed by the Insured for any and all loss, costs or expenses paid or incurred by the Insurer which the Insurer would not be obliged to pay under the provisions of the policy independently of this endorsement.

SCHEDULE

On each motor vehicle, each commercial carrier shall carry public liability and property damage insurance as follows:

For death or injury to any one person, $5,000; all persons, $10,000; property damage, $1,000.

The policy to which this endorsement is attached shall not be cancelled until after ten days' notice in writing shall have first been

given to the Public Utilities Commission of Colorado at its office at Denver, Colorado, said ten days' notice to commence to run from the date notice is actually received in the office of the Commission.

All conditions and provisions of said Policy, and any statements or agreements contained therein or endorsed thereon, in conflict with this endorsement, are, by agreement of all parties hereto, held null and void in so far as they are in conflict herewith.

Attached to and forming a part of Policy No. _____

Issued by the _____

Insurance Company to _____.

Since the issuance of said General Order No. 48, it now appears that an error was made in "Form 3-INS.", in the following particulars:

> "The liability of the Company extends to all losses, damages, injuries, or deaths, whether occurring on the route or in the territory authorized to be served by the Insured, or elsewhere in the State of Colorado, except as follows:
>
> _____
> (Radius or Distance in Colorado Covered by Policy, if Limited)",

and in "Form 4-INS.", in the following particulars:

> "The liability of the Company extends to all losses and damages, whether occurring on the route or in the territory authorized to be served by the Insured, or elsewhere in the State of Colorado, except as follows:
>
> _____
> (Radius of Distance in Colorado Covered by Policy if Limited)"

In that the words underscored above should have been eliminated. It now appears that it was the intention of the Commission, and the understanding of the insurance carriers, that, unless a limitation was placed in the

blank space, the insurance coverage would be state-wide, and that, in the event a limitation was placed in the blank, the insurance coverage would not extend beyond the territory as so limited. The Commission is now of the opinion that the words underscored above should be eliminated, and that, if the insurance coverage is to be less than state-wide, the insurance carrier must show, in the blank space provided, the limits of the insurance coverage; otherwise the insurance coverage will be considered as state-wide.

It also appears that in "Form 5-INS." and "Form 6-INS", the following words should be eliminated:

"(Unless the Policy is written for Greater Amounts)"

In this connection, the public policy of this State has been defined by the Legislature as requiring motor vehicle operators to carry certain minimum amounts of insurance, and the Commission is of the opinion that when a motor vehicle carrier, other than a carrier of passengers, has in force a policy or policies of insurance, insuring his operations in such minimum amounts, the public policy of this State has been satisfied, and if the carrier desires to purchase and keep in force, for his own protection, an insurance policy or policies for greater amounts than such minimum amounts as prescribed by the Legislature, or by the rules and regulations of this Commission, then such additional coverage is for the benefit of the motor vehicle carrier.

O R D E R

IT IS THEREFORE ORDERED, That on and after the effective date of this order, "Form 7-INS", prescribed by General Order No. 48, shall be, and the same hereby is, amended to read as follows, to-wit:

"THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

FORM 7 - INS. REVISED

PUBLIC LIABILITY AND PROPERTY DAMAGE ENDORSEMENT
FOR COMMERCIAL CARRIERS.

(This form of endorsement is required on all policies of public liability and property damage insurance issued to Commercial Carriers by Motor Vehicle, as provided by Third Revised General Order No. 46, and may be used only where specific equipment is described in the policy.) - (Form 5-Ins. should be used whenever the waiver of description of equipment is desired.)

The policy to which this endorsement is attached is written in pursuance of, and is to be construed in accordance with,

Sections 327 to 347, inclusive, Chapter 16, 1935 C. S. A. as amended,

and the rules and regulations of the Public Utilities Commission of Colorado adopted thereunder and applicable to the Insured. In consideration of the premium stated in the policy to which this endorsement is attached, the Insurer agrees to pay any final judgment within the limits set forth in the policy or endorsements attached thereto, for injury to, and/or death of persons (with the exception of any employee of the Insured), and damage to property (excluding property of the Insured or property which is rented or leased by the Insured or property carried in or upon any automobile of the Insured) resulting from the ownership, maintenance, or use of any such motor vehicles and/or trailers as are described in said policy, pursuant to a permit issued by the Public Utilities Commission of Colorado, and further agrees that upon the failure of the Insurer to pay any such final judgment, such judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. It is understood and agreed by and between the Insurer and the Insured that the right of any person to recover hereunder shall not be affected by any act or omission of the Insured or of any employee of the Insured with regard to any condition or requirement of said policy, but all the terms and conditions of the policy shall remain in full force and be binding as between the Insurer

and the Insured; and the Insurer shall be reimbursed by the Insured for any and all loss, costs or expenses paid or incurred by the Insurer which the Insurer would not be obliged to pay under the provisions of the policy independently of this endorsement.

SCHEDULE

On each motor vehicle, each commercial carrier shall carry public liability and property damage insurance as follows:

For death or injury to any one person, $5,000; all persons, $10,000; property damage, $1,000.

The policy to which this endorsement is attached shall not be cancelled until after ten days' notice in writing shall have first been given to the Public Utilities Commission of Colorado at its office at Denver, Colorado, said ten days' notice to commence to run from the date notice is actually received in the office of the Commission.

All conditions and provisions of said Policy, and any statements or agreements contained therein or endorsed thereon, in conflict with this endorsement, are, by agreement of all parties hereto, held null and void in so far as they are in conflict herewith.

Attached to and forming a part of Policy No._____

Issued by the _____

Insurance Company to_____."

IT IS FURTHER ORDERED, That "Form 3-INS." should be, and the same hereby is, amended by deleting therefrom the following words: "Except" and "(Radius or Distance in Colorado covered by Policy, if Limited)", so that the following sentence in said forms shall read as follows:

> "The liability of the Company extends to all losses, damages, injuries, or deaths, whether occurring on the route or in the territory authorized to be served by the Insured, or elsewhere in the State of Colorado, as follows:_____
> _____".

IT IS FURTHER ORDERED, That "Form 4-INS." should be, and the same hereby is, amended by deleting therefrom the following words: "Except" and "(Radius or Distance in Colorado covered by Policy, if Limited)", so that the following sentence in said forms shall read as follows:

> "The liability of the Company extends to all losses and damages, whether occurring on the route or in the territory authorized to be served by the Insured, or elsewhere in the State of Colorado, as follows: _____".

IT IS FURTHER ORDERED, That the following words "(Unless the Policy is written for Greater Amounts)", shall be eliminated from "Form 5-Ins." and "Form 6-Ins."

IT IS FURTHER ORDERED, That except as hereinbefore mentioned, said General Order No. 48 shall be, and the same hereby is, continued in full force and effect.

IT IS FURTHER ORDERED, That twenty (20) days from the date of this order shall be allowed for objection to be filed hereto.

IT IS FURTHER ORDERED, That this order shall be designated as "First Revised General Order No. 48", and shall be effective on January 1, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1941

(Decision No. 17856)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE PETITION OF PIKES PEAK AUTO LIVERY FOR THE PROMULGATION OF REASONABLE, FAIR, AND NON-DISCRIMINATORY RULES AND REGULATIONS GOVERNING COMMON CARRIER SIGHTSEEING OPERATIONS SUBJECT TO THE JURISDICTION OF THE COMMISSION.

CASE NO. 4762

November 8, 1941.

Appearances: Conour and Conour, Del Norte, Colorado, for Pikes Peak Auto Livery;
Hodges, Vidal & Goree, Esqs., Denver, Colorado, for Rocky Mountain Motor Company, Rocky Mountain Parks Transportation Company, and Denver Cab Company;
E. B. Evans, Esq., Denver, Colorado, for the Commission;
J. A. Carruthers, Esq., Colorado Springs, for Pikes Peak Automobile Company and Broadmoor Hotel, Inc.;
Marion F. Jones, Esq., Denver, Colorado, for Bryant Auto Livery, William Irvine, Ed Tarman, Thompson Scenic Auto Livery, Cadillac Sightseeing Company, Mountain States Auto Livery, Hammond Auto Livery, Colorado Bus Lines, Great Western and Southwestern Bus Lines, Finney Scenic Auto Livery, and Colyn Brothers;
Worth Allen, Esq., Denver, Colorado, for Colorado Sightseeing Association;
Walter Colburn, Colorado Springs, Colorado, for Colburn Motor Livery;
T. A. White, Esq., Denver, Colorado, for Denver-Salt Lake & Pacific Stages;
L. T. Skiffington, Mayor, and Homer T. Bruce, Clerk, for the Town of Manitou Springs, Colorado.

STATEMENT

By the Commission:

On February 24, 1941, in the above entitled proceeding, this Commission issued its Decision No. 16701. On March 17, 1941, Pikes Peak Auto Livery filed

a petition for rehearing. After consideration of said petition for rehearing, this Commission, on May 15, 1941, by Decision No. 17131, denied the same.

On October 27, 1941, the Town of Manitou Springs, by its Mayor, L. T. Skiffington, and its Clerk, Homer T. Bruce, filed an informal petition requesting that this Commission re-open said case for the purpose of permitting the Town of Manitou Springs to introduce such evidence as it might have relative to the issues involved in said Case No. 4762, and claiming, in general language, that said Decision No. 16701 should be rescinded.

The Commission now finds, after considering said informal petition of said Town of Manitou Springs, that a further hearing should be held in said Case No. 4762, to determine whether or not said Decision No. 16701 should be rescinded, altered, or amended; and that the Town of Manitou Springs be granted the opportunity of presenting such evidence as it desires relative to the issues involved in said Case No. 4762, and that other interested parties be granted the opportunity of introducing such evidence which any of them may have to rebut the evidence introduced by the Town of Manitou Springs.

O R D E R

IT IS ORDERED:

By the Commission, that a hearing be held in the Court House at Colorado Springs, Colorado, commencing at ten o'clock A. M., on the 28th day of November, 1941, to determine whether Decision No. 16701, entered by this Commission in the above entitled cause, shall be rescinded, altered, or amended, and that the Town of Manitou Springs be, and it hereby is, granted the opportunity of presenting at said hearing such evidence as it has relevant to the issues involved therein, and that other interested parties be, and they hereby are, permitted to introduce such evidence which any of them may have to rebut said evidence introduced by said Town of Manitou Springs.

That said Decision No. 16701 shall be, and the same hereby is, continued

in full force and effect unless and until rescinded, altered, or amended by order of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of November, 1941.

R

(Decision No. 17857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JOHN VERLENGIA, BOX 24, COAL CREEK, COLORADO, FOR AN EXTENSION OF PERMIT NO. A-2178

APPLICATION NO. 4557-PP-B

November 12, 1941

S T A T E M E N T

By the Commission:

Applicant herein seeks to extend his operations under Permit No. A-2178 to include the right to transport coal from Canon City, Florence and walsenburg Coal fields to Pueblo, Buena Vista, Salida and Leadville, and to points on U. S. Highways Nos. 50 and 96 between Pueblo and the Kansas-Colorado State Line.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of authority, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That John Verlengia, Coal Creek, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. A-2178 to include the right to transport coal from Canon City, Florence and Walsenburg Coal fields to Pueblo, Buena Vista, Salida and Leadville, and to points on U. S. Highways Nos. 50 and 96 between Pueblo and the

Kansas-Colorado State line.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1941.

G

(Decision No. 17858)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF M. B. WILSON, 1422 WEST MAPLE AVENUE, DENVER, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-2491.

APPLICATION NO. 5295-PP-BB-B

November 12, 1941

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend his operations under Permit No. B-2491 to include the right to transport coal from mines in the northern Colorado coal fields to points within a radius of fifty miles of Denver, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of authority, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That M. B. Wilson, Denver, Colorado, is hereby authorized to extend his operations under Permit No. B-2491 to include the right to transport coal from mines in the northern Colorado coal fields to points within a radius of fifty miles of Denver, Colorado.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ J. V. Sherman

/s/ Edward E. Clark

/s/ Mahlon Emerson

Dated at Denver, Colorado,
this 12th day of November, 1941

G

(Decision No. 17859)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

LULA A. DANIELS AND
WILBUR J. DANIELS,

Petitioners,

-vs-

THE CITY OF GOLDEN, A
MUNICIPAL CORPORATION,

Respondent.

CASE 4860

November 12, 1941

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing, and heard, on Tuesday, September 2, 1941, at Denver, Colorado.

On October 9, 1941, counsel for plaintiff filed application for further hearing. Copy thereof was served upon James J. Patterson, Attorney for the City of Golden.

No objection having been filed by respondent, the Commission is of the opinion, and finds, that said application to re-open said case, and for reception of additional testimony, should be granted.

O R D E R

IT IS ORDERED:

That the above-styled matter be, and the same hereby is, re-opened, and set for further hearing in Denver, Colorado, at the Hearing Room of the Commission, 330 State Office Building, on Tuesday, November 18, 1941, at 2:00 o'clock P. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1941.

G

(Decision No. 17860)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. E. KENNEDY, 1715 IVY PLACE, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5786-PP

November 12, 1941.

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 coal from mines in El Paso County to Colorado Springs and points within a radius of five miles thereof.

Inasmuch as the motor carrier associations heretofore have indicated that they have no objection to the issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

The Commission finds that said application should be granted.

O R D E R

IT IS ORDERED:

That L. E. Kennedy, Colorado Springs, 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 coal from mines in El Paso County to Colorado Springs and points within a radius of five miles thereof.

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

This order is the permit herein provided for, but it shall not

become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of November, 1941.

BH

(Decision No. 17861)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THOMAS E. WAGGONER, 937 SOUTH TEJON STREET, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5787-PP

November 12, 1941

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 coal from mines in El Paso County to Colorado Springs and points within a radius of five miles thereof.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

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 ORDERED:

That Thomas E. Wagoner, Colorado Springs, 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 coal from mines in El Paso County to Colorado Springs and points within a radius of five miles thereof.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this

permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, sopies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of October, 1941.

BH

(Decision No. 17862)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PAUL MALCHEREK, 1636 EAST 3rd STREET, PUEBLO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5788-PP

November 12, 1941.

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 coal from Florence-Canon City coal fields to Pueblo and to points within a fifty-mile radius of Pueblo, and wood from Pueblo to points in said area.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, siad matter forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That Paul Malcherek, Pueblo, 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 coal from Florence-Canon City coal fields to Pueblo and to points within a fifty-mile radius of Pueblo, and wood from Pueblo to points in said area.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ I. V. Sherman

/s/ Edward D. Hendee

/s/ Malcolm Wilson

Commissioners.

Dated at Denver, Colorado,
this 12th day of November, 1941.

BH

(Decision No. 17863)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. F. McINTYRE, ALAMOSA, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 2400-PP-AA
A-1057 TO W. A. THAYER, ALAMOSA, COLO.)

November 13, 1941

Appearances: J. F. McIntyre, Alamosa, Colorado, pro se;
W. A. Thayer, Alamosa, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Co.;
John Love, Esq., Denver, Colorado, and Truman A. Stockton, Jr., Esq., Denver, Colorado, for Common Carrier Division of the Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

J. F. McIntyre, who was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

> milk, only, with back-haul of empties, only, along the milk route delineated on map attached to application of James S. Jensen in Application No. 2400-PP, and described as: commencing at a point three miles north of the Conejos-Alamosa County Line on State Highway No. 17, and thence along said highway and certain county roads west thereof to La Jara, and thence along Highway No. 136 to Sanford,

herein seeks authority to transfer said permit to W. A. Thayer, Alamosa, Colorado.

At the hearing it appeared that there is no outstanding unpaid operating indebtedness against said permit; that the consideration for the transfer of one truck, some milk cans, and the permit, is the sum of twenty-six hundred dollars ($2,600.00); that said transferee is pecuniarily, and otherwise, able, qualified and willing to carry on

said operation.

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

O R D E R

IT IS ORDERED:

That J. F. McIntyre, Alamosa, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Private Carrier Permit No. A-1087 to W. A. Thayer, Alamosa, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of November, 1941.

G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF ROBERT R. WEIR AND O. G. COPPLE, LA VETA, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-1891.

APPLICATION NO. 3642-PP-BA-B

November 18, 1941

Appearances; Robert R. Weir, La Veta, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Co.

S T A T E M E N T

By the Commission:

Applicants above named are now authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

1. (a) coal from coal mines in Huerfano County to Pueblo San Luis Valley points and points within the area bounded by U. S. Highway 85 on the east, Huerfano-Las Animas County lines extended on the south, a line drawn north and south through Fort Garland on the west, and the Huerfano River on the north; (b) machinery and mining equipment from mine to mine in said area, with no hauls in competition with scheduled line haul carriers; (c) mine timbers from mountain lumber camps in said area to coal mines in said area; (d) farm products, including livestock and farm supplies (excluding used household goods and farm machinery), from point to point within a radius of 15 miles of La Veta; (e) flour from San Luis Valley points to Ojo, with a proviso that no freight shall be hauled by applicants from or to La Veta or Walsenburg, to or from points served by schedules line haul common carriers; (f) livestock from points within said 15-mile radius of Pueblo and Denver;

2. (a) used household goods and farm machinery from point to point within a radius of 15 miles of La Veta (except service to or from Walsenburg), and from and to farms in said area, to and from farms in the State of Colorado; (b) oil well machinery, equipment and supplies between points within a radius of 15-miles of La Veta, Colorado, and from and to oil well locations, to and from points in the State of Colorado, in emergencies, only, without the right to transport said commodities between points served singly or in combination by line haul motor vehicle common carriers

said service to be performed for S. W. Pressey Oil Company, only, without the right to add to the number of customers; (c) excelsior from the mill of the Aspen Excelsior Company in or near La Veta to shipping sheds at Crowley, Ordway, Rocky Ford, Manzanola and Fowler.

They now seek authority to extend their operations under said permit to include the transportation of livestock to andfrom points within a radius of fifteen miles of La Veta, from and to points within a radius of two hundred miles thereof.

No one appeared in opposition to granting the authority sought.

Theooperating experience and pecuniary responsibility of applicants were established to the satisfaction of the Commission.

It further appeared at the hearing that a number of ranchers residing in the vicinity of La Veta are engaged in producing pure bred herefords, as well as commercial cattle; that said pure breds move in small quantities to many points in the State; that, on occasions, said ranchers also obtain pure bred herefords to add to their breeding stock from other pure bred herds in the State of Colorado.

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

O R D E R

IT IS ORDERED:

That Robert R. Weir and O. G. Copple, La Veta, Colorado, should be, and they hereby are, authorized to extend their operations under Permit B-1891 to include the right to transport livestock to and from points within a radius of fifteen miles of La Veta, from and to points within a radius of two hundred miles thereof.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
LOYD ANDREWS, 1331 WEST ALAMEDA,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 5789-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 13, 1941.

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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

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 ORDERED:

That Loyd Andrews, Denver, 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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the

State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

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

This order is the permit herein provided for, but is shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1941.

BH

(Decision No. 17866)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH V. LYDIATTE, 3851 FOX STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 5790-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 13, 1941.

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 dirt, sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated that they have no objection to the issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

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 ORDERED:

That Joseph V. Lydiatte, Denver, 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 dirt, sand, gravel, and other materials used in making up the surface of the roads, from pits and supply

points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I V Thorman

Edward D. Vanderlaar

Walter Erickson

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1941.

BH

(Decision No. 17867)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. D. CROSBY, 6000 WEST FIRST AVENUE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5791-PP

November 13, 1941.

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 sand, gravel and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated that they have no objection to the issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

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 ORDERED:

That C. D. Crosby, Denver, 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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the

State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1941.

BH

(Decision No. 17868)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE G. DAVIS, 4504 SOUTH GRANT STREET, ENGLEWOOD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 5792-PP

November 13, 1941.

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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated that they have no objection to the issuance of permits limited the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

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 ORDERED:

That George G. Davis, Englewood, 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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply

points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1941.

BH

(Decision No. 17869)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF F. C. ELLISON, 955 SOUTH VRAIN STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 5793-PP

November 13, 1941.

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 sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

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 ORDERED:

That F. C. Ellison, Denver, 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 sand, gravel, and other materials used

in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1941.

BH

(Decision No. 17870)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
RALPH STATES, STONE CITY, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE) APPLICATION NO. 5763-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

November 13, 1941.

Appearances: Ralph States, Stone City, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of clay from Stone City to Pueblo; coal from mines in the southern Colorado and Canon City-Florence coal fields to Stone City and Pueblo; hay and feed from Pueblo and farms in the Arkansas Valley between Pueblo and La Junta to Stone City.

No one appeared in opposition to the granting of the authority sought.

The operating experience and pecuniary 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 should be granted.

O R D E R

IT IS ORDERED:

That Ralph States, Stone City, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of clay from Stone City to Pueblo; coal from mines in the southern Colorado and Canon City-Florence coal

fields to Stone City and Pueblo; hay and feed from Pueblo and farms in the Arkansas Valley between Pueblo and La Junta, to Stone City, Colorado.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1941.

BH

(Decision No. 17871)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE NOTICE OF THE CRYSTAL RIVER RAILROAD COMPANY AND THE CRYSTAL RIVER AND SAN JUAN RAILROAD COMPANY TO ABANDON AND DISMANTLE THEIR TRACKAGE ON AND AFTER NOVEMBER 15, 1941.

APPLICATION NO. 5767

November 12, 1941.

S T A T E M E N T

By the Commission:

On October 6, 1941, the attorneys for The Crystal River Railroad Company and The Crystal River and San Juan Railroad Company, in accordance with General Order No. 15, filed the required notice of these companies to abandon and dismantle their trackage on and after November 15, 1941. The trackage to be abandoned consists of 20.66 miles by the Crystal River Railroad from Carbondale in Garfield County to Placita in Pitkin County, and 7.33 miles of track by the Crystal River and San Juan railroad from Placita to Marble in Gunnison County.

Due notice has been served on all the parties concerned in said railroads, and as no protests have been received, and as abandonment of aforesaid trackage has been approved by the Interstate Commerce Commission as set out in Finance Docket No. 13356, the Commission finds that said abandonment and discontinuation of service should be approved, and will make its order accordingly.

O R D E R

IT IS THEREFORE ORDERED, That in accordance with notice given as required by General Order No. 15 of the Commission, The Crystal River Railroad Company be, and is hereby, permitted to discontinue its service and abandon and dismantle its track from Carbondale, Colorado, to Placita,

Colorado, a distance of 20.66 miles, and that The Crystal River and San Juan Railroad Company be, and it is hereby, permitted to discontinue its service and abandon and dismantle its track from Placita, Colorado, to Marble, Colorado, a distance of 7.33 miles, on and after November 15, 1941.

IT IS FURTHER ORDERED, That all intrastate tariffs on file with the Commission of said railroads may be cancelled on one day's notice in accordance with Section 16 of the Public Utilities Act.

IT IS FURTHER ORDERED, That The Crystal River Railroad Company and The Crystal River and San Juan Railroad Company, when filing schedules cancelling tariffs applicable to intrastate commerce on said lines of railroad, shall in such schedules refer to this order by decision number, date and docket number.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of November, 1941.

BH

(Decision No. 17872)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF B. H. HAMLIN, OF GREELEY, COLORADO.) CASE NO. 4884

November 15, 1941.

Appearances: E. B. Evans, Esq., Denver, Colorado, for the Commission;
B. H. Hamlin, Greeley, Colorado, pro se.

S T A T E M E N T

By the Commission:

On October 18, 1941, Decision No. 17773, the Commission entered its order requiring respondent to show cause why private permit No. A-1165 should not be suspended or revoked for various violations of the law, and our rules and regulations. These violations are alleged to consist of failure to issue and carry load sheets or manifests; failure to assess and collect correct rates; failure to issue bills of lading; serving customers not previously listed with the Commission, and operating as a common carrier under a private carrier permit.

At the hearing, a written report of an inspector for the Law Enforcement Department was made a part of the record, as well as certain road reports filed by respondent. No evidence was introduced showing that respondent had assessed or collected improper rates.

Testifying in his own behalf, respondent stated that he was guilty of failing to issue proper bills of lading or manifests and that he had served customers whose names were not on file with the Commission. He further testified that he had secured proper blanks and proposed in the future to conduct his operations strictly according to law and the rules and regulations of the Commission.

It does not appear that the violations of respondent have been

of a very extensive nature or that same have been willfully committed. However, respondent has operated under the authority of this Commission for a long enough period that he should realize that he must comply with the law if he is to continue his operations and derive the benefits which flow from authority issued by this Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the permit of respondent should be suspended for a period of thirty days, or, in lieu thereof, he be given the privilege, if he so desires, to pay to the Commission for the use of the State of Colorado the sum of Twenty-five Dollars ($25.00).

O R D E R

IT IS ORDERED:

That Permit No. A-1165, and the authority of respondent to operate thereunder, be suspended for a period of thirty days, effective December 1, 1941.

That in lieu of said suspension, respondent may, if he so desires, pay to the Commission for the use of the State of Colorado, the sum of Twenty-five Dollars ($25.00) on or before December 1, 1941, which payment, if made in apt time, shall automatically cancel and revoke the suspension of said permit.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF O. J. HOLTCAMP, ROUTE 1, WELLINGTON, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5778-PP

November 15, 1941.

Appearances: John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

The instant application was set for hearing at Greeley, Colorado, on November 5, 1941, at the hour of 10:00 o'clock A. M. However, when said case was called for hearing, no appearance was entered for applicant. Motion was made that the application be dismissed for failure to prosecute. However, protestants advised that they had no objection to the granting of the authority sought by applicant, but felt that if an applicant was not enough interested to appear at his hearing, the application should be denied.

Subsequent to the hearing, we received a communication from applicant advising that he had failed to receive any notice of the hearing, due to the fact that he had been living at Walden, Colorado, and his mail had not been forwarded.

Due to the fact that apparently no existing service is now available for the particular type of work proposed by applicant, and to the further fact that the failure of applicant to be present at his hearing was apparently not intentional, the Commission has determined, after a careful consideration of the record, to grant the authority sought upon the verified application on file herein.

O R D E R

IT IS ORDERED:

That O. J. Holtcamp, Route 1, Wellington, Colorado, should be, and he is hereby, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of timber and timber products, only, from Red Feather Lakes, Colorado, to Loveland, Colorado, and intermediate points.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1941.

BH

(Decision No. 17874)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. I. HALLQUIST AND BASIL HALLQUIST, DOING BUSINESS AS "VALLEY TRANSFER COMPANY," STEAMBOAT SPRINGS, COLORADO, FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 1258.

APPLICATION NO. 3771-BB-AE
SUPPLEMENTAL ORDER

November 12, 1941

Appearances: Winston S. Howard, Esq., Denver, Colorado, for the applicants;
Marion F. Jones, Esq., Denver, Colorado, for Leonard Gray;
John Love, Esq., Denver, Colorado, and Truman A. Stockton, Jr., Esq., Denver, Colorado, for R. W. and H. M. Greeley, Larson Transportation Company;
J. H. Shepherd, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company;
A. J. Fregeau, Denver, Colorado, for Welcker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On October 25, 1941, in the above-styled matter, the Commission entered its order and decision, No. 17807.

On November 12, 1941, Larson Transportation Company, by its attorneys, and said applicants, by their attorneys, filed their stipulation and petition with the Commission, asking that the effective date of said decision be extended, so as to allow protestant Larson Transportation Company two weeks additional time within which to file its exceptions to the order and application for rehearing, or to file stipulation in lieu thereof.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the said order should be made effective on November 26, 1941.

O R D E R

IT IS ORDERED:

That the effective date of said order and decision, No. 17807, be, and the same hereby is, postponed to November 26, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1941.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF THE WESTERN PUBLIC SERVICE COMPANY, A CORPORATION, AND THE CITY OF LAS ANIMAS, A MUNICIPAL CORPORATION, FOR AN ORDER AUTHORIZING THE WESTERN PUBLIC SERVICE COMPANY TO TRANSFER A CERTIFICATE OF CONVENIENCE AND NECESSITY TO THE CITY OF LAS ANIMAS.	)	APPLICATION NO. 1558-A

November 13, 1941.

Appearances: Willard J. Allen, Esq., Las Animas, Colorado, and Pershing, Bosworth, Dick and Dawson, Esqs., Equitable Building, Denver, Attorneys for City of Las Animas;
Clarence A. Davis, Esq., 1521 Sharp Building, Lincoln, Nebraska, Attorney for The Western Public Service Company.

S T A T E M E N T

By the Commission:

On May 28, 1930, Decision No. 2913, the Commission granted a certificate of public convenience and necessity to The Western Public Service Company, authorizing said company to exercise certain rights and privileges heretofore granted to the Fort Lyon Electric Company by the Board of County Commissioners of Bent County, Colorado, to distribute electrical energy in the immediate vicinity of the Fort Lyon Reservation, Bent County, Colorado.

The application pending before the Commission was filed in the name of the Fort Lyon Electric Company, but Western Public Service Company later was substituted as applicant. The instant application seeks authority to transfer said certificate of public convenience and necessity from the said Western Public Service Company to the City of Las Animas.

It appears from the petition filed herein that said Western Public Service Company is now serving the inhabitants of the City of Las Animas, including fringe and rural territory in the immediate vicinity of said City,

with electricity for light, heat and power purposes; that said operations within the corporate limits of the City are under and by virtue of Ordinance No. 253 of said City, adopted and approved on the 5th day of January, 1925.

It further appears that a majority of the voters in said City of Las Animas, on the 14th day of January, 1941, approved a plan for the acquisition of a municipal light and power plant and electrical distribution system, and that as a result thereof, negotiations between the City and the Company have been consummated, whereby the City is taking over the entire plant of Company, not only within the corporate limits of the City, but also in the fringe and rural territory, for an agreed price of $225,000.

It further appears that the City has contracted with Fairbanks Morse & Company for construction of a generating municipal electric light and power system; that on October 29, 1941, Ordinance No. 294, Series 1941, became effective, under the terms and conditions of which the City was authorized to issue bonds not exceeding the sum of $420,000 for the purpose of defraying the cost of said generating plant to be constructed by Fairbanks Morse & Company, as well as the acquisition from Western Public Service Company of its entire Bent County properties.

It is further alleged that the current obtained from the generating plant to be constructed in the City will be supplemented by current purchased by the City from the Southern Colorado Power Company under a contract with said company, a copy of which is attached to said petition, and that the current thus produced and purchased will be sufficient to satisfy the present as well as the future needs of the public.

The approval of the Board of County Commissioners of the County of Bent, Colorado, to the entire transaction is attached to the petition and made a part thereof.

In view of the fact that the City of Las Animas is one of the parties to the instant application; that the Board of County Commissioners of the County of Bent has filed its approval, and the further fact that no

other utility would be affected by the proposed transfer, and upon request of applicants, the Commission has determined to issue its order in the instant case, without the formality of a hearing. The only other interested parties whose rights might be affected would be present customers of Western Public Service Company, and certified copies of correspondence with the Veterans Administration Branch, which have been filed with the Commission, indicate that the proposed transfer of ownership will not be objectionable for service at Fort Lyon, which is one of the largest users of current from the presently established service.

After a careful consideration of the record and the files, the Commission is of the opinion, and finds, that, with proper safeguards so far as customers of Western Public Service Company are concerned, the authority sought should be granted.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require that Western Public Service Company be, and it is hereby, authorized to transfer and assign to the City of Las Animas, Colorado, all of its right, title and interest in and to certificate of public convenience and necessity issued May 28, 1930, in Application No. 1558.

That the authority herein granted is subject to the filing with the Commission of any material protest and objection against the authority above granted by any customer of Western Public Service Company; provided, however, that such protest and objection are filed with the Commission on or before January 1, 1942. In the event such material protest and objection are received by the Commission prior to said date, the Commission may reopen the instant matter for further hearing, and to that end jurisdiction is retained for the purpose of entering such further order or orders as the Commission may deem proper.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1941.

BH

(Decision No.17876)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLAUDE A. McKEE, EATON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5777-PP

November 18, 1941.

Appearances: Claude A. McKee, Eaton, Colorado, pro se;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for the Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Testifying in his own behalf, applicant stated that he has a $400.00 equity in two trucks; that he has been operating under a temporary letter of authority since the filing of his application, issued by our Law Enforcement Department, so far as a portion of his operation sought is concerned; that outside of his freight and express deliveries inside of the corporate limits of Eaton from the depot, his transportation of sand will be confined to the Union Pacific Railroad Company, and his transportation of plaster and cement will be limited to the Boise-Payette Lumber Company and the Gould Lumber Company of Eaton, Colorado.

It appeared that applicant had been transporting some shipments from Greeley to Eaton for the above-named companies and desired to amend his application to include this authority. However, upon objection being made, said request to amend was denied and applicant was advised that he must immediately cease and desist such operations. No objections were interposed to the granting of the authority sought in the application.

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 ORDERED:

That Claude A. McKee, Eaton, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of freight and express from depot to stores and warehouses in the town of Eaton; sand for the Union Pacific Railroad Company, only, from point to point within a 50-mile radius of Eaton; plaster from plaster mill near Loveland, Colorado, and cement from cement plant near Fort Collins, Colorado, to the Boise-Payette Lumber Company and the Gould Lumber Company, only, at Eaton, Colorado. No addition to above customers is to be made, except on order of the Commission after hearing.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

(Decision No. 17877)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. R. DAUGHERTY, WINDSOR, COLORADO,) APPLICATION NO. 3599-PP-B
FOR AN EXTENSION OF HIS PRIVATE)
PERMIT NO. B-1886.)

November 18, 1941.

Appearances: A. R. Daugherty, Windsor, Colorado, pro se;
John Love, Esq., Denver, Colorado, for Union Delivery, Greeley Truck Line, and for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company, Guy Hart, Ethel Sorenseon, E. O. Stevens, J. J. Schaeffer, and Howard Thompsen.

S T A T E M E N T

By the Commission:

Applicant is now the owner of Permit B-1886, which now authorizes the transportation of:

> "Beets from beet fields situated within a radius of eight miles of Windsor, Colorado, to dumps therein; hay from point to point within said area; sand and gravel from point to point within said area; coal from the northern Colorado coal fields to said Windsor area; and slabs, wood and timber from forests west of Fort Collins to the Windsor area, all for customers residing within a radius of eight miles of Windsor, Colorado.

He now seeks to extend his authority under said permit to include the transportation of:

> "farm produce, farm equipment and livestock from and to ranches located in North Park situated south and east of Walden, Colorado, to and from present authorized Windsor territory."

Testifying in his own behalf, he stated that a rancher and stockman by the name of Hickman had requested that he haul livestock for him from the North Park area; said Hickman had tried last fall for about

a week to get someone to haul two bulls for him but had been unable to obtain service; that last year J. J. Schaeffer had hauled for said Hickman but that he thought this year he had shipped by rail. He further testified that he had been asked by some stockman to haul feed from Windsor to the North Park area.

On behalf of protestants, Mrs. Greely, of the Greely Truck Line, testified that they had common carrier authority to operate from point to point in Jackson County and from and to said County to and from all points in the State; that their equipment was not busy over fifty per cent of the time; that they were using less equipment now than formerly; that their authority included livestock and feed; that one of the reasons business was slow was because stockmen and other shippers were trying to turn all business possible to the railroad as a movement was under way to abandon same; that she had performed some transportation service for Hickman but that he had told her he could get better rates than she quoted him. She also named other common carriers that were authorized to serve in this same territory.

It does not appear from the record that there is any inadequacy of service in the territory in which applicant is seeking his extension, and it would further appear that the granting of any additional authority might impair the services of the presently established common carriers.

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

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN LEACH, 1047 KALAMATH STREET,)
DENVER, COLORADO, FOR AN EXTENSION) APPLICATION NO. 2424-PP-EE
OF PERMIT NO. B-1048.)

November 18, 1941

Appearances: John Leach, Denver, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Harold Swena, Golden, Colorado, for Swena Transfer Company;
Truman Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on November 7, 1941.

The applicant was granted, on October 19, 1935, the right to operate as a Class "B" private carrier, under Permit No. B-1048, for the transportation of:

> used building materials for Mandell and Sons and South Denver Wrecking and Construction Company from point to point within a radius of fifty miles of Denver, Colorado, and coal for the Crystal Coal Company and Rio Grande Fuel Company from mines within said area to Denver, Colorado, and such supplies and equipment as are ordinarily incident to a "roustabout service" for Western Paving Company and New Mexico Construction Company from point to point within said area, except that he shall not engage in the transportation of merchandise from point to point within the territory described.

Thereafter, by order entered September 27, 1937, this permit was extended to include the right to transport:

> wheat from farms within a radius of ten miles of Sullivan, Colorado, to Denver.

The applicant now seeks to have his permit extended to include the transportation of building materials between points within a seventy-five-mile radius of Denver; sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to jobs within a seventy-five-mile radius of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; clay from points within a fifty-mile-radius of Denver, to Denver.

It developed from the testimony that upon the hearing which resulted in the authorization of applicant's present permit on September 25, 1935, that he agreed to limit the hauling of building materials, as limited in his permit. The applicant testified that he now desired to serve everyone in the hauling of building materials, and would solicit business. This, of course, would result in operation as a common carrier.

The Commission finds that the authority, as requested, should be granted, except that applicant should not be allowed to transport building materials, except as limited in his original permit.

O R D E R

IT IS ORDERED:

That Permit No. B-1048, standing in the name of John Leach, Denver, Colorado, be extended to cover the transportation of sand, gravel and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a seventy-five-mile radius of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; clay from points within a fifty-mile-radius of Denver, to Denver.

That this order shall be made a part of the permit heretofore granted to applicant and shall become effective twenty days from date.

That the application, in all other respects, be denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JOHN L. HOWELL, FRASER, COLORADO,) APPLICATION NO. 4922-PP-B
FOR AN EXTENSION OF PERMIT NO. B-2313.)

November 18, 1941

Appearances: John L. Howell, Fraser, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on November 7, 1941.

By order entered March 10, 1939, applicant was granted a Class "B" permit for the transportation of:

> poles and timber from point to point within a radius of ten miles of Fraser, Colorado, lumber in truckload lots from sawmills at Fraser and West Portal to Green Mountain dam and adjacent townsite, and hay from ranches within a radius of ten miles of Fraser, Colorado, to Denver, Colorado,

to which authority was added, by order entered April 7, 1939:

> and intermediate points between Fraser and Denver, including Georgetown, Silver Plume, Empire, Lawson, Idaho Springs and Golden, Colorado.

Applicant now seeks authority for the transportation of sawmill machinery to and from a ten-mile radius of Fraser, Colorado, to all other points in the State of Colorado, for the account of Western Paving Construction Company, Timber Division, only.

Applicant testified that Charles Mitchmer, a foreman of the Western Paving Construction Company, asked him to haul, and he stated that he had

transported machinery in the last twenty days on a letter of authority from the Law Enforcement Division of The Public Utilities Commission. He testified that Mitchmer had told him that it was hard to get line haul carriers to transport machinery. He admitted that the Grand County Transportation Company serves Tabernash, to which he had transported a sawmill motor about a week or so ago. He stated that he thought he should have the right to enter into competition with line haul carriers.

Upon cross-examination by A. J. Fregeau, applicant agreed to limit the transportation of sawmill machinery from point to point within a ten-mile radius of Fraser, and to and from said radius, from and to points in the timber areas of Colorado. Mr. Fregeau stated that he would withdraw his protest, if limited as above.

The Commission finds that the application for extension should be granted, as hereinafter limited.

O R D E R

IT IS ORDERED:

John L. Howell, Fraser, Colorado, is authorized to extend his authority under Permit No. B-2313 to include the transportation of sawmill machinery, only, for Western Paving Construction Company, Timber Division, from point to point within a radius of ten miles of Fraser, Colorado, and to and from said radius, from and to points in the timber areas of Colorado.

That this order shall be made a part of the permit heretofore granted to applicant and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

R

(Decision No. 17880)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAYMOND LESLIE PHERSON, BOULDER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 5780-PP

November 18, 1941

Appearances: Raymond Leslie Pherson, Boulder, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

STATEMENT

By the Commission:

This matter was heard at Denver, Colorado, on November 7, 1941.

Applicant seeks authority for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of gold, silver and tungsten ores, including concentrates, from the Boulder mining area to Leadville and Colorado Springs, if Boulder County ores need to be hauled to such places for treatment, including the right to transport coal within a radius of twenty miles of Boulder.

It appeared from the testimony that all such ores and concentrates to be hauled would be located within a twenty-mile radius of Boulder; that applicant desires to haul tungsten ores, only for J. G. Clark, of Boulder, gold ores for the firm of Stromberg and Griswold, of Boulder, and silver ores for customers to be listed. He desires no authority to transport any freight from the City of Boulder. He stated he was willing to eliminate any portion of that radius of twenty miles from

Boulder which is located in Gilpin County.

There were no protests to the application, as limited.

The Commission finds that the applicant owns equipment which is adequate for his transportation needs, and is able, financially, to conduct the operations described, and is responsible from an operating standpoint.

O R D E R

IT IS ORDERED:

That Raymond Leslie Pherson, Boulder, Colorado, is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of gold, silver and tungsten ores, only, including concentrates (with an occasional haul of coal, only within a twenty-mile radius of Boulder) from points within a twenty-mile radius of Boulder, excluding such portions thereof as lie in Gilpin County, Colorado, to Leadville, Colorado and Colorado Springs, Colorado, excluding any movement from the City of Boulder.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L T O Shumaker

Edward V Carlson

Mac Evins

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

mw

(Decision No. 17981)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THOMAS HAUGEN, STRASBURG, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 465 TO JOHN H. MARTIN, BENNETT, COLORADO.	APPLICATION NO. 1485-AA

November 18, 1941

Appearances: Thomas Haugen, Strasburg, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

STATEMENT

By the Commission:

This matter was heard at Denver, Colorado, on November 7, 1941.

Authority was granted, on March 14, 1930, to Tom Morris for transportation of:

> freight, between the following-described territory, to-wit: a territory bounded by a line running east and west about ten miles north of Wolf Creek, Colorado, and bounded by a line running east and west about eight miles south of said Wolf Creek, and within a radius of about four miles east and west of said Wolf Creek, which radius would end at what is known as Bijou Creek on the east and Kiowa Creek on the west, and Denver, Colorado, but not between any intermediate points; between said above-described radius and Strasburg, Colorado; from point to point within said described territory.

On April 21, 1931, this authority was transferred by order of the Commission to Thomas Haugen.

Thomas Haugen now seeks to transfer said authority, being known

as PUC 465, to John H. Martin, of Bennett, Colorado.

The testimony showed that there were no debts against the operation, except about sixteen dollars ($16.00) in road tax, which the transferor agreed to pay. The transferee owns equipment which is adequate for his transportation needs, is able, financially, to conduct the operation described, and is reliable from an operating standpoint. The consideration for the transfer is six hundred dollars ($600.00), payable in twenty-five-dollars ($25.00) installments on the 10th and 25th of each month, beginning November 10, 1941.

The transferee testified that he holds a permit, No. A-586, authorizing him to transport milk and other commodities. He stated that he wished to be allowed to continue to haul milk under his "A" permit, as he had hauled for about fifteen customers for a number of years, but that he was willing to relinquish the right to transport all other commodities.

The Commission finds that the transfer should be authorized.

O R D E R

IT IS ORDERED:

That PUC 465, now standing in the name of Thomas Haugen, be transferred to John H. Martin, of Bennett, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

That all rights of transferee under his Permit No. A-586 be cancelled and held of no further force or effect, except that transferee may be allowed to retain his right to haul milk under said permit in connection with his operations under PUC No. 465.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

mw

(Decision No. 17882)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. E. BRIGHAM, 999 DECATUR STREET,)
DENVER, COLORADO, FOR REINSTATEMENT) APPLICATION NO. 5022-PP-B
OF PERMIT NO. B-2392, AND FOR AN EX-)
TENSION THEREOF.)

November 18, 1941

Appearances: B. E. Brigham, Denver, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on November 7, 1941.

By order dated July 25, 1939, applicant was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> (a) clay from clay pits of Denver Pressed Brick Company, near Golden, and clay from clay pits near Broomfield, Colorado, to Denver; (b) coal from mines in the northern Colorado coal fields to Denver; (c) sand, gravel and road surfacing materials from point to point within a radius of fifty miles of Denver, except between or from or to points in Boulder County.

Applicant's permit was suspended for a period of one year from October 25, 1940, but prior to the expiration of the suspension period, and on October 14, 1941, applicant sought reinstatement and the extension here applied for.

Applicant now seeks such reinstatement and extension of authority to include sand, gravel and road surfacing materials between pits

and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of said pits and supply points (excluding service in Boulder, Clear Creek and Gilpin Counties.)

There were no protests, and the Commission finds that the authority should be granted, as limited.

O R D E R

IT IS ORDERED:

B. E. Brigham, holder of Permit No. B-2392, is hereby authorized to extend his permit to include the transportation of sand, gravel and road surfacing materials between pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of said pits and supply points (excluding service in Boulder, Clear Creek and Gilpin Counties.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

Permit No. B-2392 is reinstated upon compliance with the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

mw

(Decision No. 17883)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THOMAS JACOBSON, CENTRAL CITY, COLORADO, FOR AN EXTENSION OF PERMIT NO. A-1093.

APPLICATION NO. 2508-PP-BB

November 18, 1941

Appearances: Thomas Jacobson, Central City, Colorado, pro se;
Truman A Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
John Love, Esq., Denver, Colorado, for The Colorado Transfer and Warehousemen's Association, Curnow Livery and Transfer Company;
Joe Hepberger, Central City, Colorado, for Gilpin County Freight Lines;
Harold Swena, Golden, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on November 7, 1941.

By order entered October 19, 1935, applicant was granted authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

> ore and concentrates from Zancanella Mining Company property in Russell Gulch to railroad loading point in Black Hawk, and occasional sample ore shipments of not to exceed four ton lots from said mine to Leadville, Colorado, by way of Loveland Pass or Denver and Colorado Springs when Loveland Pass road is impassable.

By order entered August 23, 1938, applicant's permit, No. A-1093, was extended to include the transportation of:

> ore and concentrates from mines and mills in Gilpin County to mill, smelter and railroad loading points at Colorado Springs, Leadville, Idaho Springs, Black Hawk, Boulder, and Marshall.

Applicant now seeks an extension of said permit, No. A-1093, to include the transportation of mine and mill machinery from Black Jack Mine in the City of Black Hawk to Saratoga Mine in Russell Gulch, for C. W. Savory, only.

It appeared from the testimony that Savory operates the Saratoga Mine, and wants applicant to haul the mining machinery from Black Jack Mine, which he also owns, but is not now operating.

Applicant stated that after this machinery had been transported, he would have no further use for this extension of his permit; that the movement of the machinery would be spasmodic, transporting a little at a time, and working perhaps three to five hours a day. Applicant admitted that Weicker makes a specialty of hauling mining machinery, and that Hepberger is also in a position to haul the same.

Hepberger testified that he lives at Black Hawk; that he is fully equipped to handle this particular haul. He stated that he had hauled most of the machinery into the Black Jack Mine; that he has an "A" permit, No. A-1070, and a common carrier certificate, No. 1127, under either of which he has authority to transport mining machinery. Curnow does a lot of this type of hauling, and objected to the granting of the permit. Hepberger stated that he had not been asked to make this particular haul, but that he had served the Black Jack Mine, and had hauled some to the Saratoga Mine; that he has three trucks, and all are available; that he had two additional trucks, but got rid of them, because he did not need them.

It is apparent from the testimony, that there are adequate and sufficient authorized carriers in the vicinity to render this particular service, and that the granting of this permit would impair the

operations of the already authorized carriers. There was no showing that the service of the authorized carriers was inadequate, or unsatisfactory.

The Commission finds that the application for extension should be denied.

O R D E R

IT IS ORDERED:

Application No. 2508-PP-BB of Thomas Jacobson is hereby denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

mw

(Decision No. 17884)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF G. C. PEIRCE, OLNEY SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5762-PP

November 18, 1941

Appearances: G. C. Peirce, Olney Springs, Colorado, pro se;
Allumbaugh and Williams, Ordway, Colo., pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Co.

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.

At the hearing, it developed that he, primarily, desires to serve plants of Denver Alfalfa Milling and Produce Company, located at King Center, Ordway and Fowler, and to that end, wants authority to haul alfalfa, loose and baled, from farms within a radius of twenty-five miles of each of said plants to them, and alfalfa meal, occasionally, or in emergencies, from plant to plant to make up a carload. He also wants authority to haul empty sacks, in emergencies, from mill to mill. In addition, he desires authority to haul farm products from farms within a radius of twenty-five miles of Ordway to Pueblo and to storage points and markets in said area.

He stated that while Denver Alfalfa Milling and Produce Company has six trucks which they use to move alfalfa meal and sacks, occasionally, in emergencies, company wants the service of a for-hire carrier. To serve adequately, that carrier must be immediately available, and be locatedat one of the company's plants. Applicant is in a position to meet company's requirements. Company does not believe that call and

demand carriers can meet its requirements, because carriers' trucks are subject to call by anyone desiring for-hire service. When company needs the service, truck may not be available.

G. G. Allumbaugh testified that his firm objected to the transportation of sacks, or meal in sacks, between mills. He admitted that he never hauled said commodities for the milling company. He also objected to the transportation of farm products between points on U. S. Highway No. 96, and movement of farm products to Pueblo.

In a number of decisions, we have had occasion to point out that private carrier service primarily is intended to satisfy demands of customers who require special service. It would seem that the movement of meal and sacks to fill out a carload where a car is about to be shipped from a plant, and emergency movement of sacks from mill to mill where a plant is about to be shut down on account of lack of sacks, is that type of service. It is obvious that the milling company would want someone immediately available to furnish said service under its direction. Allumbaugh and Williams maintain a line haul service, on schedule, between Sugar City and Pueblo and intermediate points. This scheduled service probably would not meet the need of the Denver Alfalfa Milling and Produce Company for the transportation of meal or sacks in emergencies between King Center and Ordway, said points being located on U. S. Highway No. 96. However, movement of farm products to Pueblo from points within a radius of fifteen miles of Ordway, they being authorized to pick up in said area, no doubt furnishes a desirable back-haul. We think that applicant should not be authorized to furnish said service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said G. C. Peirce should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of alfalfa to plants of Denver Alfalfa Milling and Produce Company, located at King Center, Ordway, and Fowler, from farms within a radius of twenty-five miles of each of said plants; alfalfa meal and empty sacks from plant to plant; farm products between points within

a radius of twenty-five miles of Ordway, and from points in said area, to points in Crowley County and to Pueblo, without the right to haul said farm products to Pueblo.

O R D E R

IT IS ORDERED:

That G. C. Peirce, Olney Springs, 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 alfalfa to plants of Denver Alfalfa Milling and Produce Company, located at King Center, Ordway and Fowler, from farms within a radius of twenty-five miles of each of said plants; alfalfa meal and empty sacks from plant to plant; farm products between points within a radius of twenty-five miles of Ordway, and from points in said area, to points in Crowley County and to Pueblo, without the right to haul said farm products to Pueblo.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

G

(Decision No. 17885)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WAYNE KUTZ TRUCK LINE, GYPSUM, COLO-) APPLICATION NO. 5747
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

RE MOTOR VEHICLE OPERATIONS OF)
WAYNE KUTZ TRUCK LINE, GYPSUM,) PERMIT NO. A-928
COLORADO.)

November 18, 1941

Appearances: Wayne Kutz, Gypsum, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., The Denver and Rio Grande Western Railroad Company.

S T A T E M E N T

By the Commission:

Under Private Carrier Permit No. A-928, Wayne Kutz is authorized to operate as a private carrier by motor vehicle for hire.

He now seeks a certificate of public convenience and necessity to operate as a motor vehicle common carrier, not on schedule, for the transportation of general freight, except new household furniture, groceries, beer and gasoline, between points within a radius of thirty-five miles of Gypsum, and from and to points in said area, to and from points in the State of Colorado not exceeding one hundred fifty miles from said Gypsum area.

At the hearing, applicant stated that generally speaking he did not seek to extend his authority as to commodities or territory beyond that which he had as a private carrier, and was willing to make the same exception as to transportation of household goods, should the certificate be granted, that was agreed to by Bert Hinkle, whose application for a certificate in the Carbondale area was heard at the same time. Also, he agreed that no service should be performed between towns in competition with scheduled motor vehicle common carriers, except the movement of farm products, farm supplies and livestock. He stated, that primarily, he sought to serve as a common carrier to avoid the inconvenience to himself and customers needing service occasioned on account of the Commission's requirement that customers must be procured, and contracts signed and approved before service was performed.

Applicant and a number or witnesses testified about the transportation situation, generally, in the Gypsum area. It appeared that Gypsum is without call and demand common carrier motor vehicle service; that large quantities of farm products, chiefly grain, potatoes and livestock, are produced in the area; that extensive timber opepations are conducted a short distance from Gypsum; that lumber moves from mountain camps and sawmills to Gypsum, Rifle, Grand Junction and points, generally, within a radius of thirty-five miles of Gypsum; that livestock and farm products move from the area to points in the State; that, occasionally, a farmer moves between points in the area, or in and out of the area, although demands have been few for the movement of people to points in said Gypsum territory; that there has been some demand for a general cartage and drayage business in the Town of Gypsum.

There was no objection to the issuance of the authority sought, as limited.

After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the motor vehicle call and demand common carrier service of applicant as set forth in order following and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the motor vehicle call

That

and demand common carrier service of applicant for: (a) the operation of a general cartage and drayage business in the Town of Gypsum, and (b) the transportation of freight, including livestock, and not including new household furniture, groceries, beer, gasoline and milk, between points within a radius of thirty-five miles of Gypsum, and from and to points in said area, to and from other points in the State of Colorado not exceeding one hundred fifty miles from said Gypsum area, without the right to transport used household goods and furniture from points east of the Continental Divide to points in said area, and excepting the transportation of any commodities, except farm products, farm supplies and livestock, between points served by line haul motor vehicle common carriers on schedule, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That Private Carrier Permit No. A-928 should be, and the same hereby is, cancelled and revoked.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF NICK BERGAMO, 1138 11th STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5779-PP

November 18, 1941.

Appearances: Nick Bergamo, Denver, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Co.,
Harold Swann, Golden, Colorado, pro se;
Orville Jenkins, Westminster, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of the Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on November 7, 1941.

Applicant seeks authority to transport, as a Class "B" private carrier by motor vehicle for hire, bronze castings and electrical goods between points within a twenty-mile radius of Denver.

He testified that he desired to haul only from Carl Pearson Brothers and Graybar Electric Company to the Moffat Shops, approximately two miles northwest of Denver, and to the Dupont Ammunition Plant. He has an express license from the City of Denver, No. 23, and operates his business from 1706 Blake Street. He stated that he had hauled out of Denver two or three times a month for the past six months, but that he had been advised that he should obtain a permit, or he might get into trouble. He did not know whether the Moffat Shops were getting adequate service or not.

E. P. Anderson, a bookkeeper for Carl Pearson Brothers, testified

that Bergamo was doing their city work, and could be depended upon day and night to haul castings. In the past, he stated, it had not been satisfactory to have large companies haul in the city and outside. He said that he had been advised that his company had called Weicker once in a while, but he did not know whether or not any other authorized carriers had been called. He simply wanted Bergamo to haul for him, because he could be depended upon.

J. G. Woods, of the Gallagher Transportation Company, testified that his company had rovers' certificate No. 725 to transport commodities any place in the State, and that it had handled such shipments over a period of years; that it has sixty trucks, ranging from pickups to heavy duty; and that approximately twelve other companies have the same rights to serve as applicant is seeking.

A. J. Fregeau, of Weicker Transfer and Storage Company, testified that his company operated an extensive pickup and delivery service within the five-mile area of Denver, and that it served both the Moffat and the Burlington Shops. It operates several schedules a day into this area; and it also serves Graybar Electric Company.

There was no testimony that the service performed by the existing carriers was inadequate or unsatisfactory, the only testimony being that of the bookkeeper of one shipper, who said that their personal desires would be better served by Bergamo. The granting of further authority would impair the efficiency of the operations of the now authorized common carriers.

While shippers are to be considered in their desires for specialized service, it did not appear that there was any specialized service in this instance, except the mere transportation of the commodities sought, and the Commission is of the opinion that there was not a sufficient showing to warrant the granting of the authority, and finds that the same should be denied.

O R D E R

IT IS ORDERED:

That Application No. 5779-PP is hereby denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 18th day of November, 1941.

Commissioners

G

(Decision No. 17887)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF BERT HINKLE, CARBONDALE, COLORADO, FOR AN EXTENSION OF CERTIFICATE NO. 781.

APPLICATION NO. 2517-B

November 18, 1941

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., and The Denver and Rio Grande Western Railroad Company;
Truxman A. Stockton, Jr., Esq., Denver, Colorado, for the Colorado Transfer and Warehousemen's Association;
A. J. Fregeau, Denver, Colorado, for Welcker Transfer and Storage Company

S T A T E M E N T

By the Commission:

Heretofore, applicant was authorized to operate as a common carrier by motor vehicle for hire for the transportation, not on schedule, of:

> freight and livestock from point to point within a radius of fifteen miles of Carbondale, without the right to transport freight or livestock on schedule, or otherwise, between Carbondale and Eagle or Grand Junction, via Glenwood (or otherwise) and intermediate points.

As limited by testimony and stipulations of record at hearing, he now seeks authority to extend his operations under said certificate of public convenience and necessity to include the right to transport general commodities, except used household goods and furniture, not on schedule, between points within a radius of thirty-five miles of Carbondale, and to and from points in said area, from and to points in the State of Colorado, excepting service in competition with line haul motor common

carriers between points served by them on schedule, and also the right to transport used furniture and household goods between points within a radius of thirty-five miles of Carbondale, and from points in said area, to points in the State of Colorado, and from points in that part of the State of Colorado west of the Continental Divide, to points within a radius of thirty-five miles of Carbondale.

At the hearing, it appeared that applicant, who has been headquartering at Carbondale, has chiefly been furnishing a farm service; that his present authority has not been extensive enough to enable him to adequately care for the needs of the residents of said area.

A number of witnesses, residing at Carbondale, New Castle, Glenwood Springs, Silt, Snowmass, and other points within a radius of thirty-five miles of Carbondale, testified in his behalf.

John C. Ritter, Freeman James, and P. K. Basthed testified that they dealt in potatoes and grain, which they purchased at points extending along the Roaring Fork, Frying Pan, Crystal, Eagle and Colorado Rivers; that for the most part, their shipments moved by rail from railheads in said area, but it is necessary to move potatoes and grain to railheads forshipment, and occasionally, to move potatoes from one railhead to another in said area to "make up" a carload; that forty-five hundred cars of potatoes moved from the Carbondale district by railroad last season; that the Interstate Commerce Commission has authorized the abandonment of the Crystal and San Juan River Railroad extending from Carbondale to Marble; that, during the summer months, large herds of cattle and flocks of sheep are grazed in the mountains near Marble and Placita; that said sheep are moved to said summer range from winter range around Mack and other points in Western Colorado, the sheep being returned to said summer range in the Fall, and the lamb crop being moved to market from railheads at Placita and Marble; that in the future, said lambs and cattle must be shipped from Carbondale or Glenwood; that sheep must be moved between pastures by truck, it being unsatisfactory to trail either sheep or livestock along highways; that rams, in the past and in the future, will be moved by truck; that lambs, if driven from range around Marble to Carbondale,

would shrink six to eight pounds.

It also appeared from the testimony of witnesses produced by applicant that large quantities of hogs, sheep and cattle are produced at farms along said rivers; that, ordinarily, they move to markets by rail, but it is necessary to move them to railheads by truck, and to move less-carload lots by truck to markets; that feeder cattle and breeding cattle are purchased at distant points in the State, sometimes in small quantities, and occasionally must be moved in by truck; that wheat is extensively raised in said area, and frequently moves in less-carload lots to Rifle or Grand Junction; that corn, prepared feeds, salt, hay, cake, bone meal, and other farm feeds are shipped into the area which applicant seeks to serve; that said commodities, when shipped in quantity, move in by rail, but frequently, residents desire truckload lots, only; that coal moves to Snowmass, Carbondale and ranches in said thirty-five mile radius from Meeker by truck, inasmuch as railroads do not serve between Meeker and Rifle; that ores and concentrates will move from mines in the vicinity of Carbondale to Leadville for smelter-ing; that, although not as satisfactory for travel as the route via Glenwood Springs, the road from Carbondale to Leadville via Independence Pass is about one hundred miles shorter, and therefore truckers operating over the shorter distance can haul ores and concentrates for cheaper rates; that concentrates could be moved to Carbondale, thence via line haul truck or railroad to Leadville, but loss due to handling would be excessive; that some mining machinery would move from Denver or Pueblo in small lots by truck to said mines.

It also appeared that farmers move from farm to town, town to farm, and farm to farm in and out of said area; that the present population of Marble is about three hundred and fifty people; that when said railroad service is discontinued, all of the residents of Marble will move to other points in the State of Colorado. Applicant, however, stated that he received only one request, during the period of time he has been operating as a common carrier, to haul household goods and furniture from a point outside

his area to a point in the area; that on account of lack of demand for such service, he was willing to exclude the area east of the Continental Divide as a pick-up area for household goods and furniture.

The application expressly excluded service in competition with line haul motor vehicle common carriers between points on U. S. Highway No. 24 and State Highway No. 82. Inasmuch as the testimony disclosed that some loads may originate at or be destined to points located on other highways where line haul service is furnished, the Commission believes that said exception should be extended to said territories.

No evidence was offered in opposition to granting the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended motor vehicle common carrier service of applicant, as heretofore limited, and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the extended motor vehicle operation of applicant for the transportation not on schedule, of general commodities, except used household goods and furniture, between points within a radius of thirty-five miles of Carbondale, and to and from points in said area, from and to points in the State of Colorado, excepting service in competition with line haul motor common carriers between points served by them on schedule, and also the right to transport used furniture and household goods between points within a radius of thirty-five miles of Carbondale, and from points in said area, to points in the State of Colorado, and from points in that part of the State of Colorado west of the Continental Divide, to points within a radius of thirty-five miles of Carbondale, Colorado, and this order shall be taken, deemed and held to be a certificate

of public convenience and necessity therefor.

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 within twenty days from date.

The applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy, or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1941.

G

(Decision No. 17888)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF SILVIA MAPELLI, DOING BUSINESS AS "NORTHERN DISTRIBUTING COMPANY", DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-748 TO MARION AMATO, JR., ANNA AMATO AND RUDOLPH MAPELLI, DOING BUSINESS AS "NORTHERN DISTRIBUTING COMPANY", DENVER, COLORADO.

APPLICATION NO. 5781-PP-A

November 18, 1941.

Appearances: Anthony F. Zarlengo, Esq., Denver, Colorado, for the applicants;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

Silvia Mapelli, doing business as "Northern Distributing Co.", herein seeks authority to transfer private permit No. A-748, issued to Joseph Mapelli on June 25, 1934, and heretofore transferred by the Commission to her, as widow and sole heir of said Joseph Mapelli, deceased, pursuant to decree of the County Court in and for the City and County of Denver, to Northern Distributing Company, a Colorado corporation.

At the hearing, it appeared that the directors of said company are Marion Amato, Jr., Anna Amato and Rudolph Mapelli; that said permit is in good standing; that there are no outstanding unpaid operating accounts against said permit, and it further appeared that said company is pecuniarily, and otherwise, qualified to continue the operation.

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

O R D E R

IT IS ORDERED:

That Silvia Mapelli, doing business as "Northern Distributing Co.",

Denver, Colorado, is hereby authorized to transfer Permit No. A-748 to Northern Distributing Company, a Colorado corporation.

That the right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

(Decision No. 17889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF W. E. FISHER, ROUTE 1, WINDSOR, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF MILK FROM POINTS IN LARIMER COUNTY WITHIN THE AREA DESCRIBED AS "BEGINNING AT FORT COLLINS, THENCE EAST 10 MILES, THENCE SOUTH 10 MILES, THENCE WEST 10 MILES, THENCE NORTH TO FORT COLLINS.	APPLICATION NO. 5775-PP

November 18, 1941.

Appearances: W. E. Fisher, Route 1, Windsor, Colorado, pro se;
John Love, Esq., Denver, Colorado, for The Common Carrier Division of The Colorado Motor Carriers' Association;
Carl Borgman, Longmont, Colorado, for Borgmann Brothers;
Herbert E. Mann, Esq., Greeley, Colorado, for William Romey and G. N. and A. L. Miller.

S T A T E M E N T

By the Commission:

Testifying in his own behalf, applicant stated that he lives approximately 11 miles southeast of Fort Collins; that he is now hauling milk for two of his neighbors but is making no charge for such service as long as he has no legal authority to conduct the same; that he is trying to keep his son in college and that the boy can drive the truck each morning on his way into school and get the milk to the creamery earlier than the common carrier who is now authorized to serve said territory; that he has in mind two other neighbors that he could also serve, but would not want to limit his operations to any particular individuals, as he would desire to serve any shippers along his route, who might want their milk taken to the dairy at Fort Collins.

Mr. Bates and Mr. Zinian, the two neighbors above referred to, both

testified on behalf of applicant. Mr. Vance stated that the Miller trucks, which belong to the present common carrier authorized to serve that territory, went by his farm too early for him to get his milking done. He ships about six cans a day. Mr. Zinian testified that he shipped about three cans a day and that he had talked to Miller about a year ago concerning delivery of his milk but Miller had advised that it would not be convenient for him to come and get it, but that he would have to deliver it himself one-half mile up the road where Miller would pick it up. He further stated that he knew of no reason why Miller could not handle his milk if he could get it to the dairy on time.

On behalf of protestants, Miller testified that he was ready and willing to transport the milk of both Vance and Zinian if they so desired; that his authority would now permit him to serve Zinian direct and that he could make deliveries at the creamery in Fort Collins at the time desired. He also introduced an exhibit showing the quantity of milk he had transported in certain months, as well as his operating expenses, and the equipment which he owned. It was his position that no further authority was needed and that the granting of same might impair his services. Mr. William Romey, of Greeley, who operates as a common carrier under Certificate No. 1275, stated that part of the territory sought to be served by applicant would duplicate his territory three or four miles on the west and two miles on the south. Upon the record as made, it is apparent that the application must be denied as no showing has been made as to inadequacy of present common carrier operations. Applicant stated that he was a large taxpayer and was trying to get along, and making a living, and felt that he was entitled to render the service he seeks authority to operate. However worthy the ambitions of applicant may be, we must also bear in mind common carriers, who are now authorized to serve the same territory, are also trying to make a living and get along, and, under the law of this State, they are entitled to be protected to a reasonable extent in the investments which they have

made in obtaining certificates, carrying insurance, paying road tax, etc.

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

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

(Decision No. 17890)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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J. P. WIEDERKEHR, DEL NORTE, Colorado,
Complainant,

v.

MANUEL R. MARTINEZ AND VERNE CARSON, Del Norte, Colorado,
Defendants.

CASE NO. 4872

November 18, 1941

Appearances: Frank B. Goudy, Esq., 110 Adams Street, Monte Vista, Colorado, for Defendants;
Conour and Conour, Esqs., Del Norte, Colorado, for Plaintiff.

S T A T E M E N T

By the Commission:

When the above-styled matter was called for hearing, attorney for plaintiff asked that the complaint be dismissed without prejudice.

Respondents did not object. The matter was taken under advisement.

After a 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 ORDERED:

That said complaint be, and the same hereby is, dismissed without prejudice.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

(Decision No. 17891)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. P. KINCHELOE, 1007 "B" Street,)
GREELEY, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-) APPLICATION NO. 5774-PP
RIER BY MOTOR VEHICLE FOR HIRE, FOR)
THE TRANSPORTATION OF FARM PRODUCE)
BETWEEN POINTS WITHIN A TWENTY-FIVE)
MILE RADIUS OF GREELEY, COLORADO.)

November 18, 1941.

Appearances: R. P. Kincheloe, 1007 "B" Street, Greeley, Colorado, pro se;
John Love, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association and Union Delivery Company of Greeley;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Testifying in his own behalf, applicant stated that he owned a 1939 1½-ton Chevrolet truck; that he only proposes to haul farm products in bulk and will conduct no town to town movement. He named a number of produce dealers in Greeley who had requested him to haul for them and stated that he had been advised that they were unable to get trucks to take care of their needs. It was further developed that this same applicant filed an application for this same authority in July of the present year and failed to appear at his hearing. However, applicant explained his absence by stating that he had secured some work hauling wheat in Kansas at the time the case was set, and for this reason was unable to be present.

No evidence was introduced in opposition to granting of the authority sought. Applicant had been operating after filing the instant application under a letter of authority issued by our Law Enforcement Department.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited by his testimony, the authority sought should be granted.

O R D E R

IT IS ORDERED:

That R. P. Kincheloe be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products (excluding livestock) in bulk, from farms and between points within a 25-mile radius of Greeley, without the right to conduct any town to town movement.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. W. DANA, FORT LUPTON, COLORADO, FOR AN EXTENSION OF HIS PRIVATE CARRIER PERMIT B-1981 to include the TRANSPORTATION OF FARM PRODUCTS, INCLUDING HAY VEGETABLES AND LIVESTOCM, FROM POINT TO POINT WITHIN THE AREA BOUNDED BY WYOMING AND NEBRASKA STATE LINES ON THE NORTH AND EAST, U. S. 36 EXTENDED ON SOUTH, AND A LINE DRAWN NORTH AND SOUTH THROUGH STEAMBOAT SPRINGS ON THE WEST, AND TO AND FROM POINTS IN SAID AREA TO AND FROM POINTS IN COLORADO.

APPLICATION NO. 4023-PP-BBB

November 18, 1941.

Appearances: John Love, Esq., Denver, Colorado, for William Schiermeyer, the Greely Truck Line, E. F. Anderson, Lester Smith, and the Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
Guy Hart, Ethel Sorenson, E. O. Stevens, J. J. Schaeffer, Howard Thompson, protestants, by A. J. Fregeau.

S T A T E M E N T

By the Commission:

The instant case was set for hearing at Greeley, Colorado, on November 5, 1941, at the hour of 10:00 o'clock A. M. However, when said case was called for hearing, no appearance was entered for applicant. Motion was made that the application be dismissed for failure to prosecute.

In view of the fact that we are without word from applicant as to why he failed to attend, although our records show that due notice was properly mailed to him, the Commission is of the opinion, and so finds, that said motion should be granted.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby,

dismissed for failure to prosecute.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

(Decision No. 17893)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ED DURAN, TRINIDAD, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 5753-PP
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

November 18, 1941.

Appearances: Ed Duran, Trinidad, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company.

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 ashes, sand, gravel and rock between points within a radius of ten miles of, and including, Trinidad, Colorado; coal from mines within a radius of fifty miles of Trinidad to points in said area; timber from timber camps and sawmills located in the mountains west of, and within fifty miles of Trinidad, Colorado, to points within a radius of fifty miles of Trinidad, Colorado.

There were no objections to the granting of the authority sought.

The operating experience and pecuniary 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 should be granted.

O R D E R

IT IS ORDERED:

That Ed Duran, Trinidad, 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 ashes, sand, gravel and rock, between points within a radius of ten miles of, and including, Trinidad, Colorado; coal from mines within a radius of fifty miles of Trinidad to points in said area; timber from timber camps and sawmills located in the mountains west of, and within fifty miles of Trinidad, Colorado, to points within a radius of fifty miles of Trinidad, Colorado.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH

(Decision No. 17894)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND PUSEDU, TRINIDAD, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5754-PP
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 18, 1941.

Appearances: Raymond Pusedu, Trinidad, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

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 milk from points within the area extending ten miles east, ten miles west, and five miles south of Hoehne, Colorado, to Trinidad, with backhaul of empty cans and whey; and hay, grain and other farm products from farms in said area to Trinidad and other markets within a radius of fifty miles of Hoehne.

There were no objections to the granting of the authority sought.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

It further appeared that applicant does not propose to transport butter, cheese, or other milk products.

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 ORDERED:

That Raymond Pusedu, Trinidad, 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 milk from points within the area extending ten miles east, ten miles west, and five miles south of Hoehne, Colorado, to Trinidad, with back-haul of empty cans and whey; and hay, grain and other farm products from farms in said area to Trinidad and other markets within a radius of fifty miles of Hoehne.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1941.

BH