(Decision No. 21470)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE W. SMITH, ROUTE 2, STERLING,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 6465-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

October 20, 1943

Appearances: George W. Smith, Sterling, 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 to Sterling from points within ten miles of U. S. Highway No. 138 and Colorado Highway No. 113 between Sterling and Peetz, and from points within ten miles of U. S. Highway No. 6 between Sterling and Merino.

There was no objection to the granting of the authority sought.

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

After 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 W. Smith, Sterling, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk to Sterling from points within ten miles of U. S. Highway No. 138 and Colorado Highway No. 113 between Sterling and Peetz, and from points within ten miles of U. S. Highway No. 6 between Sterling and Merino, 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thurman

Edward D. Keeler

Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1943.

mw

(Decision No. 21471)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD DUNN, 910 WEST EDISON, BRUSH,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 6447-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

October 20, 1943

Appearances: Marion F. Jones, Esq., Denver, Colorado, for Delbert Hawkins, Lester E. Smith.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing, and heard, in Sterling, Colorado, on October 5, 1943, notwithstanding applicant, after due notice of the time and place of hearing, failed to appear.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, beet pulp, beets, hay, manure and lumber, from point to point within the Town of Brush, Colorado, and a sixty-mile radius thereof.

From testimony offered at the hearing, it developed that service for the transportation of dry beet pulp, lumber, baled hay, and grain, (except during harvest season), in Logan County is adequate; that protestants do not object to the granting of authority to transport beet pulp, beets, and manure, and to transport grain during harvest season in Logan County. They know of no reason why the authority to haul grain, lumber, and loose hay in Morgan County should not be granted.

The files were made a part of the record.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, baled hay, and lumber, between points in Morgan County that are within a radius of sixty miles of Brush, and the transportation of grain during harvest season, only, wet beet pulp, beets, loose hay, and manure, between points within a radius of sixty miles of Brush; that said application, in all other respects, should be denied.

O R D E R

IT IS ORDERED:

That Harold Dunn, Brush, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, baled hay, and lumber, between points in Morgan County that are within a radius of sixty miles of Brush, and the transportation of grain during harvest season, only, wet beet pulp, beets, loose hay, and manure, between points within a radius of sixty miles of Brush.

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 this Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

That said application, in all other respects, should be, and

the same hereby is, 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 20th day of October, 1943.

mw

(Decision No. 21472)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. D. PAULSON AND J. M. TORRENCE, COPARTNERS, DOING BUSINESS UNDER THE NAME OF MANITOU FUEL & TRANSFER COMPANY, 227 MANITOU AVE., MANITOU SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE NO. 145 TO DALBY TRANSFER AND STORAGE COMPANY, INCORPORATED, COLORADO SPRINGS, COLORADO

APPLICATION NO. 772-A

October 21, 1943

Appearances: Charles R. Enos, Esq., Denver, Colorado, for Transferors;
A. B. Logan, Esq., Independence Bldg., Colorado Springs, Colorado, for Transferee.

S T A T E M E N T

By the Commission:

On March 29, 1927, in Application No. 772, Decision No. 1201, transferors were granted a certificate of public convenience and necessity authorizing the operation of a motor transportation system for, -

> "the transportation of baggage and freight between Manitou and Colorado Springs and within a radius of five miles from Manitou and Colorado Springs."

The instant application seeks authority to transfer said certificate, which heretofore has been designated No. 145, to Dalby Transfer and Storage Company, Inc.

The evidence disclosed that the transferee is a corporation organized under the laws of the State of Texas, and that a certified copy of its Articles of Incorporation are duly filed with the Commission, and it is authorized to do business in this state.

Transferee's financial statement shows total assets of approximately $94,000.00, and in addition to its proposed operation in Colorado Springs, it is presently operating a transfer and storage business in the towns of Plainview, Texas, and Clovis, New Mexico. It proposes to use three

units of equipment in its Colorado Springs operation and has acquired by lease a large warehouse, office and terminal from Swift & Company at 109 West Colorado Avenue, Colorado Springs.

The evidence further disclosed that the sum of $1,000.00 is being paid for said certificate, including one truck, and that no obligations are outstanding against operations under said certificate by transferors except current bills, which will be paid by transferors.

No objections were interposed to the granting of the authority sought, and it would appear to be in the public interest to authorize said transfer and the Commission so finds.

O R D E R

IT IS ORDERED:

That W. D. Paulson and J. M. Torrence, copartners, doing business under the name of Manitou Fuel and Transfer Company, be, and they are hereby, authorized to transfer all of their right, title and interest in and to Certificate No. 145 to Dalby Transfer and Storage Company, Inc.

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

/s/ D. Thorman

Edward E. Keeler

Walter Evison

Commissioners

Dated at Denver, Colorado
this 21st day of October, 1943.

hs

(Decision No. 21473)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. O. STEVENS, HUDSON, COLORADO.) PUC NO. 257

October 23, 1943

S T A T E M E N T

By the Commission:

For good cause shown, E. O. Stevens, of Hudson, Colorado, heretofore was allowed to suspend operations under his certificate of public convenience and necessity (PUC No. 257) until October 15, 1943, with reinstatement proviso.

Prior to October 15, 1943, Stevens reported to the Commission that his application pending before the Truck Allocation Board for authority to purchase a new truck would be allowed, but that he would probably not be able to get delivery upon same for another thirty days, or perhaps longer.

In view of this representation, the Commission finds that E. O. Stevens should be allowed to suspend his operations under said certificate until December 15, 1943.

O R D E R

IT IS ORDERED:

That E. O. Stevens, Hudson, Colorado, be, and he hereby is, authorized to suspend his operations under PUC No. 257 until December 15, 1943.

That unless said E. O. Stevens shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with our rules and regulations applicable to common carrier certificates, said certificate, without further notice or action by the Commission, shall stand revoked, without right to reinstate.

That this order be, and it hereby is, entered nunc pro tunc, as of the 15th day of October, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1943.

mw

(Decision No. 21474)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF O. P. HUNT, STEAMBOAT SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6414-PP

October 23, 1943

Appearances: O. P. Hunt, Steamboat Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above matter was heard at Steamboat Springs, Colorado, on August 11, 1943.

Applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of cement and lime from Fort Collins, Colorado, to Steamboat Springs, Hayden, and Kremmling, Colorado, by any and all routes.

Applicant owns a 1941 Chevrolet one and one-half-ton truck, and his net worth is approximately $6,500.00.

The financial responsibility and operating reliability of applicant were established to the satisfaction of the Commission.

The Commission finds that the application should be granted.

O R D E R

IT IS ORDERED:

That O. P. Hunt, Steamboat Springs, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of cement and lime from Fort Collins, Colorado, to Steamboat Springs, Hayden, and Kremmling, Colorado, by any and all routes.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 23rd day of October, 1943.

mw

(Decision No. 21475)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER POWELL, ADAMS CITY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6484-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

October 23, 1943

S T A T E M E N T

By the Commission:

The above matter was heard at Denver, Colorado, on October 14, 1943.

Neither applicant nor anyone for him appeared.

On October 13, 1943, there was a letter filed by Kenneth Gahagen, protesting the application, insofar as it concerned transportation of coal from mines in the northern Colorado coal fields, and grain.

In view of the fact that applicant did not appear at the hearing, nor show good cause for not appearing, and in further view of the written protest filed with the Commission, the Commission finds that the application should be denied.

O R D E R

IT IS ORDERED:

That the instant application be, and the same hereby is, 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 23rd day of October, 1943.

mw

(Decision No. 21476)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. A. DENNISTON, FORT LUPTON, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-) APPLICATION NO. 6476-PP
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

October 23, 1943

S T A T E M E N T

By the Commission:

The above-styled matter was heard at Denver, Colorado, on October 14, 1943.

Neither applicant nor anyone for him appeared, nor were there any protestants.

The Commission made the files a part of the record.

Applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay from points within a radius of ten miles of Wiggins, Colorado, to Brush, Colorado, and beets from farms within a radius of ten miles of Fort Lupton, Colorado, to Fort Lupton.

From Description of Equipment filed with the application, it appears that applicant owns a 1940 Chevrolet one and one-half-ton truck.

The financial responsibility of applicant and his operating reliability were established to the satisfaction of the Commission.

In view of the fact that there were no protests to the application, and in view of the record, the Commission finds that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That A. A. Denniston, Fort Lupton, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay from points within a radius of ten miles of Wiggins,

Colorado, to Brush, Colorado, and beets from farms within a radius of ten miles of Fort Lupton, to Fort Lupton, 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 23rd day of October, 1943.

mw

(Decision No. 21477)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
J. B. RUPLE, RIFLE, COLORADO,) CASE NO. 31085-Ins.
PERMIT NO. C-12591.)

October 23, 1943.

S T A T E M E N T

By the Commission:

On October 6, 1943, the Commission issued its order in the above numbered case, revoking Permit No. C-12591 for failure to keep on file the necessary insurance required by law and the rules and regulations of this Commission.

It now appears that respondent did have effective insurance at all times, but through an error on the part of his insurance agent, same had been filed with the Commission under the wrong name. This error has now been corrected, and we have been requested to reinstate said permit.

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

O R D E R

IT IS ORDERED:

That Permit No. C-12591 be, and the same is hereby, reinstated, effective as of October 6, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1943.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF EARL F. SILER, DOING BUSINESS AS SILER DRILLING COMPANY, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6270

October 23, 1943.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Duffy Storage and Moving Company and Gallagher Transfer and Storage Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Art Brooks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

On July 19, 1943, the Commission entered its order denying the instant application. Thereafter, petition for rehearing was filed, and on September 11, 1943, Decision No. 12347, the Commission granted a rehearing, which was held in Denver, Colorado, on October 14, 1943.

At said rehearing, applicant, testifying in his own behalf, related three or four instances that had occurred since the last hearing, wherein he had been compelled to deny service to certain shippers because he did not have them listed as customers. He again emphasized the necessity for the particular type of equipment which he owned for the movement of oil well equipment and supplies, and stated that to the best of his knowledge no other carrier in Colorado had the necessary heavy set of gin poles and heavy winch lines which he was using.

Mr. Daugherty, connected with Manning and Brown, Inc., oil well contractors, testified that since 1933, applicant had been called upon to perform their ultra heavy transportation service because he had superior

equipment for the transportation of oil well equipment, and that said units, unless equipped with heavy gin poles and winches, were useless. He further testified that a lot of new people were engaged in drilling oil wells in Colorado, and that applicant, in his opinion, would be unable to give them satisfactory service under a private permit, pointing out that a so-called "fishing job" for drilling equipment cost approximately $1,000 a day and that delays were expensive; and that with oil well drilling in the Rocky Mountain region at an all-time peak, he felt that Colorado was entitled to more common carrier service for that particular industry.

At this point, protestants stated for the record that they would withdraw their objections to the granting of a certificate to applicant, provided same was limited to the transportation of oil well equipment and supplies from and to the oil well, with state-wide authority. Applicant is authorized to transport any type of heavy machinery under his Permit B-953. However, all the evidence at the rehearing as to the necessity for a certificate dealt only with the transportation of oil well machinery and supplies.

In view of the withdrawal of any protests to the granting of his certificate, if so limited, and in view of the further evidence submitted showing the public convenience and necessity to be served by applicant's transportation of oil well equipment and supplies, the Commission is of the opinion, and so finds, that our original order denying said certificate should be withdrawn, and that applicant should be granted a certificate of public convenience and necessity authorizing the transportation of oil well equipment and supplies, only, state-wide, and that his private permit No. B-953 should be cancelled.

O R D E R

IT IS ORDERED:

That our order of July 19, 1943, Decision No. 21166, should be, and the same is hereby, set aside, and that in lieu thereof, the Commission finds that the public convenience and necessity require the proposed operations

of applicant as a common carrier by motor vehicle for the transportation of oil well equipment and supplies from and to oil well development projects to and from all other points within the State of Colorado, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

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

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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

IT IS FURTHER ORDERED, That if applicant accepts the certificate herein granted, Permit No. B-953 shall be cancelled.

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, 1943.

BH

(Decision No. 21479)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF JOHN T. SIVILS AND CHARLES F. BRILEY, DOING BUSINESS AS "Victory Cab" LA JUNTA, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1519 TO CHARLES F. BRILEY, LA JUNTA, COLORADO.

APPLICATION NO. 1344-AA

October 25, 1943.

Appearances: G. S. Cosand, Esq., La Junta, Colorado, for applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to transfer their certificate of public convenience and necessity (PUC No. 1519) to Charles F. Briley, La Junta, PUC No. 1519 being the authority granted in Decisions Nos. 2068 and 20744, the effect of said application being the withdrawal of John T. Sivils from said co-partnership.

The matter was set for hearing, and heard, at La Junta, Colorado, on October 8, 1943.

At the hearing, it appeared that there are no outstanding unpaid obligations against said operation, except some notes representing balance due on equipment, which obligations transferee assumes and agrees to pay.

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

After 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 John T. Sivils and Charles F. Briley, co-partners, doing business ad "Victory Cab," La Junta, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 1519 to

Charles F. Briley, doing business as "Victory Cab", La Junta, Colorado.

The tariff of rates, rules and regulations of the transferors 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 25th day of October, 1943.

BH

(Decision No. 21480)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF ESTATE OF S. R. GIDDINGS, PAUL JESSER, MANAGER, TIMNATH, COLORADO.) P.U.C. NO. 511

October 25, 1943.

S T A T E M E N T

By the Commission:

On April 21, 1943, the Commission entered an order suspending operations under Certificate No. 511 for a period of six months from April 14, 1943.

We are now in receipt of a communication from Paul Jesser, Manager, Estate of S. R. Giddings, requesting a further suspension of six months.

In view of all the circumstances, 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 Estate of S. R. Giddings, Paul Jesser, Manager, Timnath, Colorado, be, and it is hereby, authorized to suspend operations under Certificate No. 511 for an additional period of six months from October 14, 1943.

That unless said permittee shall, prior to the 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 motor vehicle common carriers, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1943.

BH

(Decision No. 21481)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
C. H. COULSON, ROUTE 1, BOX 273,) PRIVATE PERMIT NO. A-594
LOVELAND, COLORADO.)

October 25, 1943.

S T A T E M E N T

By the Commission:

On April 16, 1943, the Commission entered an order suspending operations under Permit No. A-594 for a period of six months from March 14, 1943.

We are now in receipt of a communication from the above-named permittee, stating that there has been no change in conditions since former suspension was granted and requesting a further suspension of six months.

After 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 C. H. Coulson, of Loveland, Colorado, be, and he is hereby, authorized to suspend operations under Permit No. A-594 for a period of not to exceed six months from October 14, 1943.

That unless said C. H. Coulson shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1943.

BH

(Decision No. 21482)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALEX AND TOM ABEYTA, DOING BUSINESS AS "ALEX ABEYTA & SON," 228 EAST JOHNSON AVENUE, TRINIDAD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6481-PP

October 25, 1943

Appearances: Alex Abeyta, Trinidad, Colorado, for applicants

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Trinidad, Colorado, on October 11, 1943, applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of coke, coal, wood, timber, ashes, sand, and gravel between points within a radius of fifty miles of Trinidad, and cement from Trinidad to construction jobs within a radius of ten miles of said city.

The testimony shows that one of applicants' customers is the Trinidad Electric Railway Transmission and Gas Company, for whom they haul coke from gas plant in Trinidad to railroad cars in said city; coal from coal mines in Las Animas County to Trinidad Power House and to railroad loading cars in said fifty-mile area, and occasionally from Trinidad or said mines to the plant of said company in Walsenburg. Wood is obtained at sawmills in Weston, and hauled to customers in Trinidad. Timber, for the most part, consists of mine props, which move from timber camps in the mountains west of Trinidad to coal mines. Ashes, they expect to haul from business houses and residences in Trinidad to the City Dump, near Trinidad. Sand will be hauled as a back-haul from pits in or near Walsenburg to Trinidad and points in the area

aforesaid. Grave,, they expect to haul from the Purgatoire River to building jobs in and near Trinidad. They do not expect to handle any coal to Aguilar.

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

After 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 Alex Abeyta and Tom Abeyta, doing business as "Alex Abeyta & Son," Trinidad, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of coke, coal (except to Aguilar), wood, timber, ashes, sand, and gravel between points within a radius of fifty miles of Trinidad, Colorado, and cement from Trinidad to construction jobs within a radius of ten miles of said city.

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 provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

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

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

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 October, 1943

JH

(Decision No. 21483)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
REEDY STOUT, ROCKY FORD, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6474-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

October 25, 1943.

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 produce for C. M. Miller, of Rocky Ford, Colorado, from point to point within a radius of twenty-five miles of Rocky Ford, Colorado.

Said matter was set for hearing at La Junta, Colorado, on October 8, 1943, at 3:00 o'clock P.M., due notice of said setting being forwarded to applicant and all parties in interest. Notwithstanding said notice, applicant failed to appear at the time and place designated for hearing.

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

O R D E R

IT IS ORDERED:

That the instant application be, and the same 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

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1943.

BH

(Decision No. 22484)

Original.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JEAN OURET, MONTROSE, COLORADO, FOR)
AN EXTENSION OF PERMIT NO. B-1365.)

APPLICATION NO. 1882-PP-B

October 25, 1943.

Appearances: Moynihan, Hughes and Sherman, Esqs., Montrose, Colorado, for applicant;
A. A. Brooks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled matter was heard in Grand Junction, Colorado, on October 19, 1943, pursuant to prior setting.

As limited by the testimony offered at the hearing and stipulations of counsel, applicant herein seeks authority to extend his operations under his Permit No. B-1365 to include the right to transport farm produce, including livestock and wool in grease, coal and used farm implements, from and to points within a radius of fifty miles of Montrose, Colorado, to and from points in the State of Colorado.

At the hearing, it appeared that applicant, who also is allowed to transport household goods under the permit issued to him, in addition to the commodities mentioned, is limited to a point to point service within a radius of fifty miles of Montrose and occasional trips within a radius of one hundred miles of Montrose; that his customers, from time to time, have asked him to move horses, hogs, small quantities of lambs, and other livestock from and to points more distant than one hundred miles from Montrose; that, occasionally, he has been asked to haul household goods, but does not care to handle said commodity to or from distant points; that chiefly, livestock handled by him moves to railroad loading points, but occasionally ranchers want bucks moved in from the San Luis Valley, pure bred

bulls from Denver to ranches around Montrose, less-carload lots of lambs from small farms, and occasionally from larger ranches to Denver or other market points in the State; that they are unable to get service from authorized common carriers by motor vehicle, the only one now attempting to serve the area being Orville Dunlop, he being unable to handle the business offered on account of lack of equipment.

No testimony was offered in opposition to the granting of the authority sought. Applicant offered no testimony to show that service for movement of wool in grease to Denver or other points in the state is needed by his customers.

From the record as made, the Commission finds that the common carrier motor vehicle service, except for the movement of wool in grease, now offered is inadequate, and that it did not appear that the proposed service will impair the efficiency of any common carrier by motor vehicle now serving the area; that the extension sought should be granted.

O R D E R

IT IS ORDERED:

That in addition to the authority now enjoyed by applicant under his Permit No. B-1365, he should be, and he hereby is, authorized to extend his operations under said permit to include the right to transport farm produce (including livestock but excepting wool in grease), coal, and used farm implements, from and to points within a radius of fifty miles of Montrose, Colorado to and from points in the State of Colorado.

This order is made a part of the permit granted to applicant.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 October, 1943.

hs

(Decision No. 21485)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CITIZENS UTILITIES COMPANY, LA JUNTA, COLORADO, FOR AUTHORITY TO DISCONTINUE 2.2 MILES OF A FIVE MILE TWO-INCH FEED LINE FROM ROCKY FORD, COLORADO, TO SWINK, COLORADO, LOCATED ON U.S. HIGHWAY NO. 50.	)	APPLICATION NO. 6470

October 25, 1943

Appearances: J. M. Curtice, La Junta, Colorado, for applicant.

S T A T E M E N T

By the Commission:

The above-styled matter was heard in La Junta, Colorado, on October 8, 1943, pursuant to prior setting.

Applicant herein seeks authority to abandon 2.2 miles of the five-mile two-inch feed line between Rocky Ford, Colorado, and Swink, Colorado.

At the hearing, it appeared that the proposed abandonment will affect only one customer, S. Murphy, whose home is located approximately one and one-half miles west of Swink, Colorado; that the line in question was constructed about twenty-five years ago; that, on account of age, many of the joints in the line leak gas; that, due to small size of the line and said leaks, it would be impracticable to serve other customers, even though they were available; that Citizens Utilities Company contacted Mr. Murphy, and he has filed a consent in writing to the abandonment of the line in question. He has been paid the sum of One Hundred Dollars to reimburse him for expense incurred in constructing his service line, and he has arranged to obtain electric service in lieu of the gas.

The contemplated abandonment is to be effective November 6, 1943.

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

O R D E R

IT IS ORDERED:

That Citizens Utilities Company be, and it hereby is, authorized to abandon the two-inch feed line aforementioned, as described in its supplemental application filed September 27, 1943, said abandonment and discontinuance of service to S. Murphy to be effective November 6, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 25th day of October, 1943.

hs

(Decision No. 21486)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
T. W. PARKS) PERMIT NO. C-1155
San Juan Ave.,)
Buena Vista, Colorado)
)

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. W. Parks of San Juan Ave., Buena Vista, Colorado, requesting that his Permit No. C-1155 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-1155, heretofore issued to T. W. Parks of San Juan Ave., Buena Vista, Colorado be, and the same is hereby, declared cancelled effective October 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry O. Johnson

/s/ Edward E. Keller

/s/ Malcolm Ericson

Commissioners.

Dated at Denver, Colorado,

this 27th day of October, 19 43

m

(Decision No. 21487)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. K. KESEY)
Route 3)
La Junta, Colorado)
)

PERMIT NO. C-2370

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. K. Kesey of Route 3, La Junta, Colorado, requesting that his Permit No. C-2370 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-2370, heretofore issued to J. K. Kesey of Route 3, La Junta, Colorado be, and the same is hereby, declared cancelled effective October 25, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

/s/ Edward E. Knauer

/s/ Malcom Ericson

Commissioners.

Dated at Denver, Colorado,

this 27th day of October, 19 43

m

(Decision No. 21488)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CARL JOHNOSN) PERMIT NO. C-2565
Route 4, Box 65,)
Montrose, Colorado)
)

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl Johnson of Route 4, Box 65, Montrose, Colorado, requesting that his Permit No. C-2565 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-2565, heretofore issued to Carl Johnson of Route 4, Box 65, Montrose, Colorado be, and the same is hereby, declared cancelled effective October 12, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 27th day of October, 19 43

m

(Decision No. 21489)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. F. HOPPER)
Box 205)
Cortez, Colorado)
)

PERMIT NO. C-4042

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. F. Hopper of Box 205 Cortez, Colorado, requesting that his Permit No. C-4042 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-4042, heretofore issued to A. F. Hopper of Box 205, Cortez, Colorado be, and the same is hereby, declared cancelled effective October 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 43

m

(Decision No. 21490)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. M. LOPER) PERMIT NO. C-4764
Olathe, Colorado)
)
)

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. M. Loper of Olathe, Colorado, requesting that his Permit No. C-4764 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-4764, heretofore issued to R. M. Loper of Olathe, Colorado be, and the same is hereby, declared cancelled effective October 16, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 27th day of October, 19 43

m

(Decision No. 21491)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. L. HARDY)
Route 2, Box 132)
Pueblo, Colorado)
)

PERMIT NO. C-6328

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. L. Hardy of Route 2, Box 132 Pueblo, Colorado, requesting that his Permit No. C-6328 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-6328, heretofore issued to R. L. Hardy of Route 2, Box 132, Pueblo, Colorado be, and the same is hereby, declared cancelled effective October 18, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Lewis D. Thomas

/s/ Edwin O. Sweller

/s/ Thomas F. Patton

Commissioners.

Dated at Denver, Colorado,

this 27th day of October, 1943.

(Decision No. 21492)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALEY DRUG COMPANY) PERMIT NO. C-9353
332 South Tejon St.,)
Colo Springs, Colorado)
)

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Aley Drug Company of 322 South Tejon St., Colo Springs, Colorado requesting that his Permit No. C-9353 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-9353, heretofore issued to Aley Drug Company of 322 South Tejon St., Colo Springs, Colorado be, and the same is hereby, declared cancelled effective September 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Thomas

Edward E. Dunbar

Madison Ericsson

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 19 43

m

(Decision No. 21493)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. G. McBRIDE, ROY R. MAXON &)
THE STAUFFER-MARSH FOOD COMPANY) PERMIT NO. C-10982
Rocky Ford, Colorado)
)
)

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. G. McBride, Roy R. Maxon and The Stauffer-Marsh Food Company of Rocky Ford, Colorado, requesting that his Permit No. C-10982 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-10982, heretofore issued to C. G. McBride, Roy R. Maxon and The Stauffer-Marsh Food Company of Rocky Ford, Colo be, and the same is hereby, declared cancelled effective October 16, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 27th day of October, 19 43

m

(Decision No. 21494)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES AND MIKE VIDMAR)
Palisade, Colorado) PERMIT NO. C-12735
)
)
)

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles and Mike Vidmar of Palisade, Colorado, requesting that his Permit No. C-12735 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-12735, heretofore issued to Charles and Mike Vidmar of Palisade, Colorado be, and the same is hereby, declared cancelled effective September 13, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

/s/ Edward E. Bracker

/s/ Madeleine Emerson

Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 1943

(Decision No. 21495)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LIGHT FURNITURE COMPANY) PERMIT NO. C-13397
1530 Larimer St.,)
Denver (2) Colorado)
)

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Light Furniture Company of 1530 Larimer St., Denver (2) Colorado, requesting that his Permit No. C-13397 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-13397, heretofore issued to Light Furniture Company of 1530 Larimer St., Denver (2) Colorado be, and the same is hereby, declared cancelled effective October 13, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Edward E. Dressler

Malcom Ericson

Commissioners.

Dated at Denver, Colorado,

this 27th day of October, 19 43.

m

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF C. L. GRANT, MINTURN, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF MINING TIMBER, COAL, ETC., IN THE COUNTY OF EAGLE, COLORADO.	APPLICATION NO. 6462-PP

October 28, 1943.

S T A T E M E N T

By the Commission:

The instant matter was set for hearing at Leadville, Colorado, on October 7, 1943. However, when said case was called, no appearance was entered on behalf of applicant or any protestant. The Commission made all files in connection with the matter a part of the record and heard the case upon said record.

Subsequent to the hearing, we were advised by applicant that his failure to be present was due to the fact that he had to make an emergency trip to the hospital with his wife.

After considering the record, the Commission is of the opinion, and so finds, that the public interest would be best served by granting the authority sought, properly limited to prevent undue competition with established line haul common carriers.

The application as filed seeks a Class "A" permit. However, the authority sought covers all points within the County of Eagle, and in our opinion, the nature of the operation would be Class "B".

O R D E R

IT IS ORDERED:

That C. L. Grant, of Minturn, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for

hire for the transportation of mining timber and coal between points within the County of Eagle, State of Colorado; provided, however, that said operations shall not be conducted in competition with any established line haul common carrier.

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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1943.

BH

Original

(Decision No. 21497)

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
(Re 15% Increase in Rates of McKie Transfer Co. et al.)

October 27, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a petition from The Motor Truck Common Carriers Association, as Agent, for and on behalf of the following motor vehicle common carriers for authority to increase all rates now in effect fifteen per cent (15%):

McKie Transfer Company
Southwestern Transportation Company
Consolidated Motor Freight, Inc.
North Eastern Motor Freight, Inc.
Colorado Rapid Transit Company, Inc.
Burlington Transportation Company
Edward C. Mason, d.b.a. Over-Land Motor Express Company
Buckingham Transportation Company
Denver-Loveland Transportation.

Generally speaking, these carriers are authorized to conduct the following operations:

McKie--Denver-Berthoud-Mead-Longmont. Call and demand in the counties of Larimer, Boulder and Weld and occasional service throughout the State.

Southwestern--Denver and Colorado Springs and Salida and intermediate points west of Portland, Colo., Pueblo and Salida and intermediate points west of Portland, Colo. Canon City, Florence and contiguous towns to Victor and Cripple Creek, Colo.

Call and demand from and to points within a radius of 35 miles of Canon City to and from points in the state of Colorado.

Consolidated--Denver and Fort Collins.

Northeastern--Denver and Julesburg and intermediate points east of Wiggins.

Call and demand-Area five miles on each side of U.S. 6 between Ft. Morgan and Sterling; one (1) mile north, five (5) miles east, south from Wiggins to county line, and five (5) miles west of Wiggins.

Colorado Rapid--Denver and Louisville, Firestone and Boulder, with several milk routes in vicinities of above routes.

Over-Land Motor--Denver and Boulder and intermediate points.
Call and demand--Household Goods throughout the State.

Denver-Loveland--Denver and Loveland.
Call and demand--Counties of Boulder, Weld and Larimer and occasionally throughout the State.

Burlington Transportation--Denver and Wray and intermediate points east of Brush on U. S. 34.

Buckingham--Sterling and Wray and intermediate points via Colo. 63 and U. S. 34.
Denver and Wray and intermediate points east of Brush.

The petition sets forth the following reasons in support of the request:

"The above named motor carriers are confronted with a steady rise in the cost of operation brought about by the increase in expense of repairing and maintaining old equipment which cannot be replaced; in addition to increased wages for drivers, helpers, dockmen, etc.

"The Trucking Commission of the War Labor Board has ordered the above named carriers to make increases in wages which, in many instances, are as great as 22% above those in effect on January 1, 1941.

"This increase in wages, added to increased cost of tires, tubes, repair and replacement parts, and general upkeep of equipment plus the cost of delays for repairs makes it imperative that the motor carriers involved seek relief through the only revenue raising measure available--an increase in rates."

Findings

The Commission finds that Case No. 1585, should be reopened for further hearing relative to the matter hereinbefore set forth.

O R D E R

IT IS THEREFORE ORDERED, That Case No. 1585 be, and the same is hereby, reopened for further hearing before the Commission at 10 o'clock A.M. on the 30th day of November, 1943, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for taking of evidence concerning an increase of 15 per cent in the rates and charges on the operations of McKie Transfer Company, Southwestern Transportation Co., Consolidated Motor Freight, Inc., North Eastern Motor Freight, Inc., Colorado Rapid Transit Company, Inc., Burlington Transportation Co., Edward C. Mason, d.b.a. Over-Land Motor Express Company, Buckingham Transportation Co., and Denver-Loveland Transportation.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(S E A L)
ATTEST: A TRUE COPY
LOUIS J. CARTER
Secretary

HENRY S. SHERMAN
EDWARD E. WHEELER
MASON ERICKSON
Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1943
JH

(Decision No. 21498)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. J. STAMPFEL, RIFLE, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE) APPLICATION NO. 6442-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

October 27, 1943

Appearances: A. J. Stampfel, Rifle, 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:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from Garfield Vanadium Mine to the U. S. Vanadium Mill, at Rifle, Colorado, over Rifle Creek county Road, Colorado Highway No. 13, and U. S. Highways Nos. 24 and 6.

The matter was heard at Grand Junction, Colorado, on October 19, 1943, pursuant to prior setting.

At the hearing, it appeared that the U. S. Vanadium Plant at Rifle is processing large quantities of vanadium ore; that said company and United States Metals Reserve are desirous to have ore mined at Garfield moved to the company mill at Rifle; that mine has been in operation for a period of two years, and a large store pile of ore is now piled at the mine is ready for transportation to Rifle.

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

After 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 A. J. Stampfel, Rifle, 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 ore from Garfield Vanadium Mine to the U. S. Vanadium Mill, at Rifle, Colorado, over Rifle Creek County Road, Colorado Highway No. 13, and U. S. Highways Nos. 6 and 24.

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 this Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 October, 1943.

mw

(Decision No. 21499)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD H. ESTES, RIFLE, COLORADO,) APPLICATION NO. 6459-PP
FOR AN EXTENSION OF PERMIT NO.)
B-1538.)

October 27, 1943

Appearances: Richard H. Estes, Rifle, 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:

Applicant herein seeks authority to extend his operations under Permit No. B-1538 to include the right to transport passengers for the U. S. Vanadium Corporation, only, between Rifle and vanadium mine located about twelve miles from Rifle, on Rifle Creek County Highway, and all intermediate points.

The matter was heard at Grand Junction, Colorado, on October 19, 1943, pursuant to prior setting.

It appeared that the U. S. Vanadium Company has been transporting its employees under a Class "B" permit, No. B-2828; that it desires to discontinue that service, and has requested applicant to procure authority to move the passengers.

Applicant now has a freight permit, No. B-1538.

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

After 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 Richard H. Estes, Rifle, Colorado, should be, and he hereby

is, authorized to extend his operations under Permit No. B-1538 to include the right to transport passengers for the U. S. Vanadium Corporation, only, between Rifle and vanadium mine located about twelve miles from Rifle, on Rifle Creek County Highway, and all intermediate points.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1943.

mw

(Decision No. 21500)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JIM NISHIMINE AND SAM UYENO, ROUTE 1, GRAND JUNCTION, COLORADO, FOR A CLASS "B" EERMIT TO OPERATE AS PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6458-PP

October 27, 1943

Appearances: Jim Nishimine, Grand Junction, Colorado, and
Sam Uyeno, Grand Junction, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Groves and Banks, Esqs., First National Bank Building, Grand Junction, Colorado, for G. W. Hawthorne.

S T A T E M E N T

By the Commission:

Applicants herein, as co-partners, seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of farm products, specifically including peaches, tomatoes, onions, beets, grain, and beans, between points within a radius of twenty-five miles of Grand Junction, said service to be limited to transportation from farms to packing plants, shipping points, factories, and elevators. They do not propose to handle livestock.

At the hearing, at Grand Junction, Colorado, on October 19, 1943, they asked leave to, and were granted permission to, extend their application to include the transportation of logs from timber camps within a radius of twenty-five miles of Olathe to markets, railroad loading points, and mills within said radius. Applicants also agreed that they would not engage in any transportation service in competition with the common carrier service of G. W. Hawthorne, PUC No. 1216.

There was no objection to the granting of the authority sought.

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

After 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 Jim Nishimine and Sam Uyeno, Grand Junction, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of farm products, specifically including peaches, tomatoes, onions, beets, grain, and beans, between points within a radius of twenty-five miles of Grand Junction, said service to be limited to transportation from farms to packing plants, shipping points, factories, and elevators, without the right to serve between points served by line haul motor vehicle common carriers, including G. W. Hawthorne, PUC No. 1216, and the transportation of logs from timber camps within a radius of twenty-five miles of Olathe, Colorado, to railroad loading points and markets and mills 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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

The right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of this Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 October, 1943.

mw

(Decision No. 21501)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUGENE R. HART, CORY, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 6467-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

October 27, 1943

Appearances: Eugene R. Hart, Cory, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Groves and Banks, Esqs., First Nat'l Bank Building, Grand Junction, Colorado, for G. W. Hawthorne.

S T A T E M E N T

By the Commission:

The above-styled application was heard at Grand Junction, Colorado, on October 19, 1943, pursuant to prior setting.

As limited by the testimony offered by applicant at the hearing, he herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, including livestock, used household goods, farm machinery and equipment, and coal between points within a radius of ten miles of Cory, Colorado, and from and to points in said ten-mile area, to and from points within a radius of fifty miles of Cory, Colorado, without the right to haul said commodities in competition with line haul motor vehicle common carriers between towns served by them in said area.

Applicant stated that he lived seven miles north and east of Cory, and about nine miles northeast of Delta; that he desires to serve his neighbors, who, at times, have been unable to get transportation service conveniently; that he farms about eighty-three acres of land, and for a number of years has hauled fruit during the harvest season to packing plants.

He admitted that W. J. Marlow, at Cedaredge, which is about nine miles from Cory, Roy Schultz, at Delta, and other common carriers, besides many private carriers, have served the territory, but contended that there is room for an additional carrier in his neighborhood.

No one testified in support of his application.

In opposition, W. J. Marlow testified that he was authorized to serve the territory that applicant seeks to serve under his certificate, PUC No. 1204; that he has been in business since 1937; that he has two trucks, and is able to obtain another truck for use at any time when needed; that he is equipped to, and does, handle all types of farm produce, including livestock, farm supplies and equipment; that the fruit harvest season extends from August 25 to November 15; that many growers, cooperatives, and privately-owned packing houses have trucks to haul fruit from the farms to the sheds and processing plants; that Austin is ten miles from Cedaredge, and three miles from Cory; that Paonia is three miles from Cory; that he maintains twelve-months service, and employs a driver at all times; that his gross income for 1942 was four thousand dollars, his expenses being three thousand dollars; that he devotes all his time to the hauling service; that if he loses any business, not only will his operation be impaired, but he will be compelled to discontinue business; that, in addition to the Marlow service, many other common and private carriers furnish for-hire service in the territory; that service is adequate at all times, except possibly during the harvest season when additional service for movement of fruit is sometimes required; that under the policy of the Commission, it is not necessary for applicant to receive authority to operate as a carrier to handle fruit during the harvest season.

After careful consideration of the record, the Commission is of the opinion, and finds, that the granting of the authority sought will tend to impair the efficient common carrier service of W. J. Marlow, and that said application should be denied.

O R D E R

IT IS ORDERED:

That the instant application should be, and the same hereby is, 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 27th day of October, 1943.

mw

(Decision No. 21502)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
FOSTER W. RANSON, 409 MACON STREET,)
CANON CITY, COLORADO, FOR A CLASS) APPLICATION NO. 6490-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 28, 1943.

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 points within a radius of sixty miles of Florence, 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 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 Foster W. Ranson, Canon City, 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 the Florence-Canon City coal fields to points within a radius of sixty miles of Florence, 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1943.

BH

(Decision No. 21503)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
GUY L. WOOD, 4113 XAVIER STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6491-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 28, 1943.

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, 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 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 Guy L. Wood, 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, 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1943.

B H

(Decision No. 21504)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF JACK McCROHAN, DOING BUSINESS AS "FT. COLLINS-LARAMIE-WALDEN TRUCK LINE," LARAMIE, WYOMING, FOR AUTHORITY TO TRANSFER PUC NO. 398-I TO EARL M. HARRIS, DOING BUSINESS AS "DENVER-LARAMIE TRUCK LINE," 1940 BLAKE ST., DENVER, COLORADO.	)	P.U.C. NO. 398-I

October 28, 1943.

S T A T E M E N T

By the Commission:

Heretofore, Jack McCrohan, doing business as "Ft. Collins-Laramie-Walden Truck Line," Laramie, Wyoming, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle in interstate commerce, and PUC No. 398-I issued to him.

Said certificate-holder now seeks authority to transfer said certificate to Earl M. Harris, doing business as "Denver-Laramie Truck Line," Denver, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

After 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 Jack McCrohan, doing business as "Ft. Collins-Laramie-Walden Truck Line," Laramie, Wyoming, should be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 398-I to Earl M. Harris, doing business as "Denver-Laramie Truck Line," Denver, Colorado, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1943.

BH

(Decision No. 21505)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GLASER SALES COMPANY) PERMIT NO. C-5525
Calhan, Colorado)
)
)

October 28, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Glaser Sales Company of Calhan, Colorado, requesting that his Permit No. C-5525 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-5525, heretofore issued to Glaser Sales Company of Calhan, Colorado be, and the same is hereby, declared cancelled effective October 12, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Edward J. Keller

Malcolm Sievers

Commissioners.

Dated at Denver, Colorado,

this 28th day of October, 19 43.

m

(Decision No. 21506)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
EDWARD GLASER)
Calhan, Colorado) PRIVATE PERMIT NO. B-891

October 28, 1943.

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 Permit No. B-891 be suspended for a period of six months from October 12, 1943.

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 ORDERED:

That Edward Glaser of Calhan, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-891 for a period of not to exceed six months from October 12, 1943.

That unless said Edward Glaser shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1943.

m

(Decision No. 21507)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HOWARD L. SKILLING) PERMIT NO. C-6732
Garden City, Kansas)
)
)

October 28, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Howard L. Skilling of Garden City, Kansas, requesting that his Permit No. C-6732 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-6732, heretofore issued to Howard L. Skilling of Garden City, Kansas be, and the same is hereby, declared cancelled effective September 21, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 28th day of October, 19 43

m

(Decision No. 21508)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HOWARD SKILLING) PRIVATE PERMIT NO. B-921
Garden City, Kansas)

October 28, 1943.

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 Permit No. B-921 be suspended for a period of six months from September 21, 1943.

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 ORDERED:

That Howard Skilling of Garden City, Kansas be, and he is hereby, authorized to suspend his operations under Permit No. B-921 for a period of not to exceed six months from September 21, 1943.

That unless said Howard Skilling shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomson

Edward E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1943.

m

(Decision No. 21509)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOE E. ARAGON)
1549 W. 23rd St.,) P U C NO. 914
Los Angeles (7) California)

October 28, 1943

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 P U C No. 914 be suspended for a period of six months from September 23, 1943.

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 ORDERED:

That Joe E. Aragon of 1549 W. 23rd St., Los Angeles (7) California be, and he is hereby, authorized to suspend his operations under P U C No. 914 for a period of six months from September 23, 1943.

That unless said Joe E. Aragon shall, prior to the 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 certificate holders, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1943.

m

(Decision No. 21510)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. A. HARDRICK) PRIVATE PERMIT NO. B-2365
Mesa, Colorado)

October 28, 1943

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 Permit No. B-2365 be suspended for a period of six months from September 19, 1943.

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 ORDERED:

That J. A. Hardrick of Mesa, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-2365 for a period of not to exceed six months from September 19, 1943.

That unless said J. A. Hardrick shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1943.

m

(Decision No. 21511)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
) PERMIT NO. C-13571
E. E. BOWEN)
523 W 1st St.)
Trinidad, Colorado)

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. E. Bowen of 523 W 1st St, Trinidad, Colo., requesting that his Permit No. C-13571 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-13571, heretofore issued to E. E. Bowen, 523 W 1st St., Trinidad, Colorado be, and the same is hereby, declared cancelled effective August 27, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry D. Johnson

Edward D. Roeller

Thelma Ericksen

Commissioners.

Dated at Denver, Colorado,

this 28th day of October, 1943.

(Decision No. 21512)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEO. A. TORGLER)
Ordway,)
Colorado)
)

PERMIT NO. C-13795

October 28, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Geo. A. Torgler of Ordway, Colorado, requesting that his Permit No. C-13795 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-13795, heretofore issued to Geo. A. Torgler, Ordway, Colorado, be, and the same is hereby, declared cancelled effective October 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 28th day of October, 1943.

(Decision No. 21513)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
THE GLOBE OIL & REFINING CO.) PERMIT NO. C -13833
Wichita,)
Kansas)
)

October 28, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from The Globe Oil & Refining Co. of Wichita, Kansas, requesting that his Permit No. C-13833 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-13833, heretofore issued to The Globe Oil & Refining Co., Wichita, Kansas, be, and the same is hereby, declared cancelled effective October 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward J. Keating

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 28th day of October, 1943

(Decision No. 21514)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LOUIS DeMARCO) PERMIT NO. C-14236
1613 E Main St.)
Trinidad, Colorado)
)

October 28, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Louis DeMarco of 1613 E Main St., Trinidad, Colo, requesting that his Permit No. C-14236 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-14236, heretofore issued to Louis DeMarco, 1613 E Main St., Trinidad, Colorado, be, and the same is hereby, declared cancelled effective September 22, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Edward J. Keller

Walter Erickson

Commissioners.

Dated at Denver, Colorado,

this 28th day of October, 19 43

(Decision No. 21515)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CLAIR L. BURROWS) PERMIT NO. C-14550
Pritchett,)
Colorado)
)

October 28, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clair L. Burrows, of Pritchett, Colorado, requesting that his Permit No. C-14550 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-14550, heretofore issued to Clair L. Burrows, Pritchett, Colorado, be, and the same is hereby, declared cancelled effective October 3, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry O. Johnson

Edward D. Dressler

Malcom Ericksen

Commissioners.

Dated at Denver, Colorado,

this 28th day of October, 1943

(Decision No. 21516)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
F. W. BURDICK)
458 Marine St.)
Boulder, Colo.)
)

PERMIT NO. B-2889

October 28, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. W. BURDICK of 458 Marine St., Boulder, Colorado. requesting that his Permit No. B-2889 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-2889, heretofore issued to F. W. Burdick, 458 Marine St. Boulder, Colorado, be, and the same is hereby, declared cancelled effective October 12, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward D. Beasley

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 28th day of October, 1943

(Decision No. 21517)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
INTERSTATE TRANSIT LINES FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1417
SUPPLEMENTAL ORDER

October 30, 1943

Appearances: E. G. Knowles, Esq., Denver, Colorado, attorney for applicant;
H. C. Vidal, Esq., Denver, Colorado, for Colorado Motor Way, Inc.

S T A T E M E N T

By the Commission:

It has been called to the attention of the Commission by E. G. Knowles, attorney for Interstate Transit Lines, that in Decision No. 2534, rendered September 25, 1929, an error was made, in that the corporation "Interstate Transit Lines" was mis-named "Interstate Transit Lines, Inc."

Counsel calls attention of the Commission to the fact that this corporation was organized under the laws of the State of Nebraska, and the suffix "Inc." is not a part of the corporate name.

The Commission finds that Decision No. 2534, rendered September 25, 1929, be amended, and that the suffix "Inc." be deleted from said decision in each and every place in which the same appears in connection with the corporation named "Interstate Transit Lines."

O R D E R

IT IS ORDERED:

That Decision No. 2534, of date September 25, 1929, is hereby amended by deleting the suffix "Inc." from said decision in each and every place in which the same appears in connection with the corporation named "Interstate Transit Lines."

That, except as herein amended, said Decision No. 2534 shall re-

main in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1943.

mw

(Decision No. 21518)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOSEPH CASSIO, 1205 ARIZONA STREET, TRINIDAD, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6469

October 30, 1943

Appearances: W. H. Haxby, 1205 Alta Street, Trinidad, Colorado for applicant.

S T A T E M E N T

By the Commission:

The above-styled matter was heard in Trinidad, Colorado, on October 11, 1943, pursuant to prior setting.

At the hearing, it developed that applicant herein seeks authority to operate a motor vehicle transportation service for the transportation of passengers between Trinidad, Colorado, and Tercio, Colorado and all intermediate points, over State Highway No. 12 to the point of junction with State Highway No. 111, and thence over said State Highway No. 111 to Tercio, said service to be in connection with his Star Mail Route Contract, which he operates daily, except Sunday, between Trinidad and Tercio, Colorado.

It appeared that there was no presently authorized for-hire service for movement of passengers on schedule between said points; that said highway traverses a valley which is largely used for farming and ranching purposes by the residents along the road; that, in addition thereto, a number of coal mining and other towns are reached by the highway, including Jansen, Madrid, Valdez (Frederick), Segundo, Weston, Camp Picket Wire (Stonewall) and Tercio; that probably about six thousand people reside in said area, a great number of coal miners being employed at Valdez who reside in Trinidad and at farms and ranches along the highway;

that many timber workers are employed in the area around Weston, Stonewall and Tercio who reside in said towns; that all of them go to and from Trinidad on pleasure and business.

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

Applicant stated that if the certificate is granted he will file suitable tariffs of rates, rules and regulations and time and distance schedules with the Commission, as required by our rules and regulations, and otherwise will comply with all requirements of The Public Utilities Commission.

The Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicant for the transportation, on schedule, of passengers between Trinidad, Colorado, and Tercio, Colorado, and all intermediate points, over State Highway No. 12 to the point of junction with State Highway No. 111, and thence over said State Highway No. 111 to Tercio, said service to be in connection with his Star Mail Route Contract, which he operates daily, except Sunday, between Trinidad and Tercio, 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 operation by applicant of a motor vehicle transportation service on schedule, for the transportation of passengers daily, except Sunday, between Trinidad, Colorado, and Tercio, Colorado, and all intermediate points, over State Highway No. 12 to the point of junction with State Highway No. 111, and thence over said State Highway No. 111 to Tercio, 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 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

K D Newman

Edward D. Beasley

Miss Epperson

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1943.

hs

(Decision No. 21519)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAYMOND L. SANDERS, 505 SOUTH SHIELDS STREET, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 873 TO GUY D. SANKEY, RED FEATHER LAKES, COLORADO.

APPLICATION NO. 2812-A

October 30, 1943

A ppearances: Raymond L. Sanders, Fort Collins, Colorado, pro se;
Guy D. Sankey, Red Feather Lakes, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above matter was heard at Fort Collins, Colorado, on October 22, 1943.

Heretofore, Raymond L. Sanders, by Decision No. 7167, under date of February 8, 1936, was authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

> express, baggage and freight to and from Fort Collins, Colorado, from and to Red Feather Lakes and intermediate points, by way of U.S. Highway No. 285, Livermore and Log Cabin.

Said Raymond L. Sanders now seeks authority to transfer his certificate (PUC No. 873) to Guy D. Sankey, Red Feather Lakes, Colorado.

It appeared from the testimony that there is no immediate money consideration for the sale of the certificate, inasmuch as Sanders had, heretofore, sold his equipment to one Guy D. Strong, who is now transferring the equipment to Guy D. Sankey, and the consideration involved for the transfer of the certificate was a portion of the consideration involved in the transfer of the equipment.

The net worth of Transferee Sankey appears to be approximately $3,250.00, and the equipment to be operated consists of one 1938 3/4-ton Chevrolet truck, with a platform bed. Sankey has been engaged in trucking

operations for twenty years, and his financial responsibility and operating reliability were es tablished to the satisfaction of the Commission.

The Commission finds that the transfer should be authorized.

O R D E R

IT IS ORDERED:

That Raymond L. Sanders, Fort Collins, Colorado, is hereby authorized to transfer all his right, title and interest in and to PUC No. 873 to Guy D . Sankey, Red Feather Lakes, 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

Commission

Dated at Denver, Colorado,
this 30th day of October, 1943.

hs

(Decision No. 21520)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CARL SHARP, ROUTE 3, BOX 260, FORT COLLINS, COLORADO, FOR A CLASS "A" PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6488-PP

October 30, 1943

Appearances: Carl Sharp, Ft. Collins, Colorado, pro se;
Albert Schwilke, Estes Park, Colorado, as protestant, pro se.

S T A T E M E N T

By the Commission:

The above matter was heard at Fort Collins, Colorado, on October 22, 1943.

At the hearing, it developed that applicant was not sufficiently advised as to the authority he seeks at the time he filed his application, and he requested that additional time be given him within which to amend his application in order that he might be better advised as to the operating rights he should seek and as to competition involved in connection with same.

In view of applicant's statement, the Commission finds that he should be granted sixty days from the effective date of this order within which to amend his application.

O R D E R

That applicant be granted sixty (60) days from the effective date of this order within which to amend his application.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1943.

(Decision No. 21521)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. J. BORCK) PERMIT NO. C-126
Canon City, Colo.)
)
)

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. J. Borck of Canon City, Colorado, requesting that his Permit No. C-126 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-126, heretofore issued to A. J. Borck, Canon City, Colorado be, and the same is hereby, declared cancelled effective September 28, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry C. Johnson

Edward J. Keller

Commissioners.

Dated at Denver, Colorado,

this 29th day of October, 1943.

(Decision No. 21522)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
H. J. LEWIS & SON)
3955 Alcott)
Denver, 11, Colorado)
)

PERMIT NO. C-239

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. J. Lewis & Son of 3955 Alcott, Denver, 11, Colorado requesting that his Permit No. C-239 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-239, heretofore issued to H. J. Lewis & Son, 3955 Alcott, Denver, 11, Colorado, be, and the same is hereby, declared cancelled effective October 21, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Johnson

Commissioners.

Dated at Denver, Colorado,

this 29th day of October, 1943.

(Decision No. 21523)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. E. TAYLOR)
Goodland,)
Kansas.)
)

PERMIT NO. C-4710

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. E. TAYLOR of Goodland, Kansas, requesting that his Permit No. C-4710 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-4710, heretofore issued to C. E. Taylor, Goodland, Kansas, be, and the same is hereby, declared cancelled effective October 18, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Edward D. Beasley

Malcom Ericsson

Commissioners.

Dated at Denver, Colorado,

this 29th day of October, 1943.

(Decision No. 21524)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
E. T. WALKER) PERMIT NO. C-7217
Del Norte,)
Colorado.)
)

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. T. WALKER of Del Norte, Colorado, requesting that his Permit No. C-7217 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-7217, heretofore issued to E. T. Walker, Del Norte, Colorado, be, and the same is hereby, declared cancelled effective October 12, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 29th day of October, 1943

(Decision No. 21525)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CHAS. LEE GROSS,) PERMIT NO C-10384
Karvel,)
Colorado.)
)

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Chas. Lee Gross, of Karvel, Colorado, requesting that his Permit No. C-10384 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-10384, heretofore issued to Chas. Lee Gross, Karvel, Colorado, be, and the same is hereby, declared cancelled effective October 15, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry O. Johnson

Edward C. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of October, 1943

(Decision No. 21526)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Dupont Machinery & Parts)
Rte 1, Henderson)
Colorado)
)

PERMIT NO. C-11581

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Dupont Machinery & Parts of Rt. 1 Henderson Colorado, requesting that his Permit No. C-11581 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-11581, heretofore issued to Dupont Machinery & Parts, Rt. 1, Henderson, Colorado be, and the same is hereby, declared cancelled effective October 19, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Dan D. Cheever

Thalcon Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of October, 1943

(Decision No. 21527)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
P. T. PINELL)
530 E Hugo St.)
Colorado Springs, Colo.)
)

PERMIT NO. C-11697

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from P. T. Pinell of 530 E. Hugo St, Colo. Springs, Colo., requesting that his Permit No. C-11697 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-11697, heretofore issued to P. T. Pinell, 530 E. Hugo St., Colo. Springs, Colorado, be, and the same is hereby, declared cancelled effective October 18, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward C. Keller

Madison Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of October, 19 43

(Decision No. 21528)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. L. PECK)
Matheson)
Colorado)
)

PERMIT NO. C-12265

October 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. L. Peck of Matheson, Colorado, requesting that his Permit No. C-12265 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-12265, heretofore issued to C. L. Peck, Matheson, Colorado, be, and the same is hereby, declared cancelled effective October 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry L. Johnson

Edward J. Keating

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of October, 1943

(Decision No. 21529)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD J. MC CLURE, P. O. BOX 306,)
EATON, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 4417-PP-B
EXTEND OPERATIONS UNDER PERMIT)
NO. B-2066.)

October 29, 1943

S T A T E M E N T

By the Commission

The above matter was heard at Fort Collins, Colorado, on October 22, 1943.

There were no appearances, either on behalf of applicant or of protestants.

The files in the application were made a part of the record.

It appears from the files that applicant seeks authority to extend his operations under Permit No. B-2066 to include the right to transport grain from farms within a radius of five miles of Johnstown to Eaton, Colorado, and from farms within a radius of fifteen miles of Nunn, Colorado, to markets and storage points in said area.

Inasmuch as applicant did not appear, nor assign any reason for his non-appearance, the Commission finds that his application should be dismissed.

O R D E R

IT IS ORDERED:

That the instant application is 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 29th day of October, 1943.

hs

(Decision No. 21530)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. L. YATES, 400 SIXTH STREET,)
GREELEY, COLORADO, FOR A CLASS "B") APPLICATION NO. 6485-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 29, 1943

S T A T E M E N T

By the Commission:

The above matter was heard at Fort Collins, Colorado, on October 22, 1943.

There were no appearances, either on behalf of applicant or of protestants.

The files in the application were made a part of the record.

It appears from the files that applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce from point to point within a radius of twenty-five miles of Greeley; coal and wood within a radius of fifty miles of Greeley to an area within a radius of ten miles of Greeley.

Inasmuch as applicant did not appear, nor assign any reason for his non-appearance, the Commission finds that his application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the instant application is 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 29th day of October, 1943.

hs

(Decision 21531)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY R. GIBBENS, RURAL ROUTE 1,)
WELLINGTON, COLORADO, FOR A CLASS) APPLICATION NO. 6486-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 29, 1943

S T A T E M E N T

By the Commission:

The above matter was heard at Fort Collins, Colorado, on October 22, 1943.

There were no appearances, either on behalf of applicant or of protestants.

The files in the application were made a part of the record.

It appears from the files that applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock, feed, and timber from point to point within the following-described territory: one and one-half miles south, five miles east, seven miles west, and north to the Colorado State Line.

Inasmuch as applicant did not appear, nor assign any reason for his non-appearance, the Commission finds that his application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the instant application is 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 29th day of October, 1943.

hs

(Decision 21532)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALBERT S. KLINE, 129 NORTH BRYANT STREET, FORT COLLINS, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 6487-PP

October 29, 1943

S T A T E M E N T

By the Commission:

The above matter was heard at Fort Collins, Colorado, on October 22, 1943.

There were no appearances, either on behalf of applicant or of protestants.

The files in the matter were made a part of the record.

It appears from the files that applicant seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of timber and timber products for the Western Paving and Construction Company, Timber Division, in the State of Colorado.

Inasmuch as there were no protests to the granting of the application and the file discloses that applicant merely seeks to serve Western Paving and Construction Company, the Commission finds that the authority sought should be granted, excluding service between towns served by line haul motor vehicle common carriers operating on schedule.

O R D E R

IT IS ORDERED:

That Albert S. Kline, Fort Collins, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the

transportation of timber and timber products for the Western Paving and Construction Company, Timber Division, in the State of Colorado, excluding service between towns served by line haul motor vehicle common carriers operating on schedule.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendements 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 29th day of October, 1943.

hs

(Decision No. 21533)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF RALPH C. SCHADE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A MOTOR BUS SERVICE BETWEEN DENVER, COLORADO, AND A POINT ON U.S. HIGHWAY NO. 85, WHERE SUCH HIGHWAY CROSSES THE NORTHERN BOUNDARY OF THE STATE OF COLORADO, IN INTERSTATE COMMERCE ONLY.	)	APPLICATION NO. 1983

Oct. 29, 1943.

S T A T E M E N T

By the Commission:

The instant application was filed on May 2, 1932. Thereafter, applicant was advised that it would be necessary for him to furnish more copies of the application to serve upon competitors. However, said request has never been complied with, and motion has been filed that application be dismissed for failure to prosecute.

Considering the record, the Commission is of the opinion, and so finds, that said motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and same is hereby, dismissed for failure to prosecute.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 1943.

BH

(Decision No. 21534)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALBERT MILLER) PERMIT NO. C-14109
3155 W. Walsh St.,)
Denver, Colorado)
)

October 29, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Albert Miller of 3155 W. Walsh St., Denver, Colorado, requesting that his Permit No. C-14109 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-14109, heretofore issued to Albert Miller of 3155 W. Walsh St., Denver, Colorado be, and the same is hereby, declared cancelled effective October 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

K. D. Newman

Edward E. Watrous

Evans Evans

Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 19 43

m

(Decision No. 21535)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MC MULLEN TRUCK LINE)
3457 W. Walsh) P U C NO. 1324
Denver, Colorado)

October 29, 1943.

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 P U C No. 1324 be suspended for a period of six months from October 25, 1943.

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 ORDERED:

That the McMullen Truck Line of 3457 W. Walsh, Denver, Colorado, be, and is hereby, authorized to suspend operations under P U C No. 1324 for a period of not to exceed six months from October 25, 1943.

That unless said McMullen Truck Line shall, prior to the 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 certificate holders, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 1943.

m

(Decision No. 21536)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
)
W. H. MC MULLEN)
3457 W. Walsh) APPLICATION NO. 3454 PP-AA
Denver, Colorado)
- - - - - - - - - - - - - - - - - - -)

- - - - - - - - - -
October 29, 1943.
- - - - - - - - - -

S T A T E M E N T

By the Commission:

On October 7, 1943, in Application No. 3454-PP-AA, Decision No. 21437, W. H. McMullen of 3457 W. Walsh, Denver, Colorado was granted authority to operate as a Class B private carrier by motor vehicle for hire. However, the application was never completed and permit was not issued.

Now the Commission is in receipt of a request to suspend the authority granted to W. H. McMullen in Application 3454 PP-AA.

Therefore the Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That W. H. McMullen of 3457 W. Walsh, Denver, Colorado be and is hereby authorized to suspend operations under the authority granted in Application No. 3454-PP-AA Decision No. 21437 for a period of six months from October 25, 1943.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 1943.

m

(Decision No. 21537)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF V. A. CORNELISON, DOING BUSINESS AS EMPIRE STAGES, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR OPERATION OF A PASSENGER AND LIGHT EXPRESS LINE BETWEEN DENVER, COLORADO, AND THE KANSAS-COLORADO LINE AT KANARADO, KANSAS, AND INTERMEDIATE POINTS.	)	APPLICATION NO. 2154

October 30, 1943.

S T A T E M E N T

By the Commission:

The instant application, which was filed with the Commission April 16, 1934, was set for hearing on May 3, 1934, but by request of applicant, said hearing was vacated. Thereafter, on January 14, 1943, motion to dismiss for failure to prosecute, was filed by Union Pacific Railroad Company.

In view of the long period of time which has elapsed since the filing of said application, and considering the record, as a whole, the Commission is of the opinion, and so finds, that said motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

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, 1943.

BH

(Decision No. 21538)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF THE COLORADO-WYOMING EXPRESS, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1932.

Oct. 30, 1943.

S T A T E M E N T

By the Commission:

The instant application was set for hearing and heard at Fort Collins, Colorado, on December 17, 1931. Thereafter, on January 4, 1932, by Decision No. 3952, said application was reopened for further hearing at a time and place to be fixed by the Commission. No request was ever made by any of the parties in interest for said further hearing, and motion has been filed by Union Pacific Railroad Company seeking dismissal of the application for failure to prosecute.

After considering the record and the length of time that has elapsed since any action has been taken in said matter, the Commission is of the opinion, and so finds, that motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

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, 1943.

BH

(Decision No. 21539)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF W. E. HAMILTON FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A MOTOR BUS SERVICE BETWEEN DENVER, COLORADO, AND A POINT ON U.S. HIGHWAY NO. 85, WHERE SUCH HIGHWAY CROSSES THE NORTHERN BOUNDARY OF THE STATE OF COLORADO, IN INTERSTATE COMMERCE.	)	APPLICATION NO. 1986

October 30, 1943.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on April 7, 1932. Thereafter, motion to dismiss was filed by Union Pacific Railroad Company for failure to prosecute.

Considering the record as a whole and the length of time during which no action has been taken upon said application, the Commission is of the opinion, and so finds, that the 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.

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, 1943.

BH

(Decision No. 21540)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF L. C. HUNTER, d.b.a. SPRINGFIELD-LAMAR MOTOR FREIGHT, SPRINGFIELD, COLORADO.) APPLICATION NO. 1001-B-AAA

October 30, 1943

S T A T E M E N T

By the Commission:

On October 6, 1943, in Case No. 30879-Ins., the Commission entered an order cancelling the certificate granted in the above numbered application, Decision No. 20995, for failure of the respondent to keep on file the required certificate of insurance.

The Commission is now in receipt of a communication requesting reinstatement of said certificate. The records of the Commission show that a certificate of insurance was filed on October 20, 1943.

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

O R D E R

IT IS THEREFORE ORDERED, That the certificate granted in Application No. 1001-B-AAA, Decision No. 20995, be, and the same is hereby, reinstated as of the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1943

(Decision No. 21541)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WILLIAM F. BRAY) PRIVATE PERMIT NO. B-2604
Loma, Colorado)

November 1, 1943.

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 Permit No. B-2604 be suspended for a period of six months from October 1, 1943.

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 ORDERED:

That William F. Bray of Loma, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-2604 for a period of not to exceed six months from October 1, 1943.

That unless said William F. Bray shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1943.

m

(Decision No. 21542)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MANZANOLA TRANSFER COMPANY) P U C NO. 461 & 461-I
Manzanola, Colorado)

November 3, 1943.

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 P U C No. 461 and 461-I be suspended for a period of six months from October 9, 1943.

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 ORDERED:

That Manzanola Transfer Company of Manzanola, Colorado be, and hereby is, authorized to suspend operations under P U C No. 461 & 461-I for a period of not to exceed six months from October 9, 1943.

That unless said Manzanola Transfer Company shall, prior to the 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 certificate holders, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1943.

m

(Decision No. 21543)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
E. D. CAPPS)
15th & Main St.,)
Canon City, Colorado)
)

PERMIT NO. C-3289

November 3, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. D. Capps of 15th & Main St., Canon City, Colorado, requesting that his Permit No. C-3289 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-3289, heretofore issued to E. D. Capps of 15th & Main St., Canon City, Colorado be, and the same is hereby, declared cancelled effective October 21, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

K D Newman

Edward D. Carlson

Marian Epis

Commissioners.

Dated at Denver, Colorado,

this 3rd day of November, 1943

(Decision No. 21544)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
VERNON DODSON) PERMIT NO. C-4639
Eaton, Colorado)
)
)

November 3, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Vernon Dodson of Eaton, Colorado, requesting that his Permit No. C-4639 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-4639, heretofore issued to Vernon Dodson of Eaton, Colorado be, and the same is hereby, declared cancelled effective October 21, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 3rd day of November, 1943

m

(Decision No. 21545)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
OTTO MC ELWAIN)
BOX 59, Stockyards Station)
Denver (16) Colorado)
)

PERMIT NO. C-5202

November 3, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Otto McElwain of Box 59, Stockyards Station Denver (16) Colo requesting that his Permit No. C-5202 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-5202, heretofore issued to Otto McElwain of Box 59, Stockyards Station, Denver (16) Colorado be, and the same is hereby, declared cancelled effective October 22, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 3rd day of November, 19 43

m

(Decision No. 21546)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WALTER C. FORD) PERMIT NO. C-13037
Manzanola, Colorado)
)
)

November 3, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Walter C. Ford of Manzanola, Colorado, requesting that his Permit No. C-13037 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-13037, heretofore issued to Walter C. Ford of Manzanola, Colorado be, and the same is hereby, declared cancelled effective March 29, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 3rd day of November, 19 43

m

(Decision No. 21547)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GILBERT BACA, CENTER, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 6477-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 5, 1943

Appearances: Gilbert Baca, Center, Colorado, pro se;
Conour and Conour, Esqs., Del Norte, Colorado, for J. P. Wiederkehr;
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Alamosa, Colorado, on October 26, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk to Center, Colorado, from farms in and adjacent to the area shown on the map attached to the application herein, and marked "Exhibit A," which map, by reference, is made a part hereof, with back-haul of empty cans, and the transportation of potatoes from fields within the area bounded by the Gunbarrel Road on the west, and lines drawn on the north, south and east fifteen miles from Center, to railroad loading points, sheds, and storage points in said area.

At the hearing, it appeared that practically all of applicant's customers who will require transportation of potatoes reside south and east of Center; that the so-called "Gunbarrel Road" is U. S. Highway No. 285; that the eastern boundary of applicant's milk territory is State Highway No. 17; that return with milk to Center, generally, is made over Highway No. 112.

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 Gilbert Baca, Center, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk to Center, Colorado, from farms in and adjacent to the area shown on the map attached to application herein (Exhibit A), with back-haul of empty cans, and the transportation of potatoes from fields within the area bounded by the Gunbarrel Road on the west, and lines drawn on the north, south and east fifteen miles from Center, to railroad loading points, sheds, and storage 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 5th day of November, 1943.

mw

(Decision No. 21548)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALONZO BARTON, DOING BUSINESS AS "BARTON GROCERY," ROMEO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6479-PP

November 5, 1943

Appearances: J. F. Chavez, Esq., Antonito, Colorado, for applicant;
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.;
A. A. Brooks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
Conour and Conour, Esqs., Del Norte, Colorado, for E. T. Walker, James E. Ashton.

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, grain, potatoes, fruits, and other farm products, including livestock, coal, and furniture, between points within a radius of ten miles of Romeo, and the transportation of livestock from points in the area to Denver.

At the hearing, in Alamosa, Colorado, on October 26, 1943, applicant and four farmers, residents of the Romeo section, testified in support of the application. From their testimony, it appeared that they have been unable to employ any local carrier to haul farm products, including livestock, without waiting two weeks or longer for service, all of which has caused them considerable inconvenience and pecuniary loss. They agreed that if Barton obtained a permit, they would employ him to do their hauling. They also agreed that they needed some carrier "right in our vicinity."

No testimony was offered in opposition to granting the authority sought.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that the common carrier service in and from the area within ten miles of Romeo is inadequate; that the application should be granted.

O R D E R

IT IS ORDERED:

That Alonzo Barton, doing business as "Barton Grocery," Romeo, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay, grain, potatoes, fruits, and other farm products, including livestock, coal, and furniture, between points within a radius of ten miles of Romeo, and the transportation of livestock from points in said area 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 5th day of November, 1943.

mw

(Decision No. 21549)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MANUEL MARTINEZ, CENTER, COLORADO,) APPLICATION NO. 6480-PP
FOR A RE-ISSUE OF PERMIT NO. B-1949.)

November 5, 1943

Appearances: Manuel Martinez, Center, Colorado, pro se;
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.;
Conour and Conour, Esqs., Del Norte, Colorado, for J. P. Wiederkehr, E. T. Walker.

S T A T E M E N T

By the Commission:

Applicant, Manuel Martinez, on October 29, 1940, asked that his Private Carrier Permit No. B-1949, be cancelled, which was done.

He now asks that said permit be reinstated, with authority limited to the transportation of farm products, only, between points within the area extending twenty-five miles north, ten miles south, fifteen miles west, and fifteen miles east of Center, Colorado.

In support of his application, he stated that about a year ago, one Frank Collier, living west of Center, and Frank Sylvester, residing north of Del Norte, asked him to haul potatoes; that he has a Chevrolet truck, and is engaged in buying and selling wood under a Commercial Carrier Permit, and would like to be in a position to do some hauling for hire, if requested to do so. He does not have any contracts with anyone at this time.

The application was opposed by J. P. Wiederkehr, PUC No. 1451. Mr. Wiederkehr stated that he has six trucks; that, in part, he serves the territory which applicant proposes to serve; that he does all of Frank Collier's hauling which Collier cannot do with his two trucks, and on the day of hearing, was engaged in unloading coal for Collier; that during the

potato-digging season, and the lettuce-harvesting time, some additional trucks are needed in the territory; that the diggin season is over; that potatoes will now move from cellars to market in an orderly marketing fashion, and he and other authorized carriers will be in a position to care for all farmers' requirements; that three or four of his six trucks are not in operation on account of lack of business; that Burwick, with two trucks, Gonzales with two or more trucks, Francisco with one truck, McClanahan with one truck, and other carriers in the territory also are serving the farmers; that the granting of the authority sought at this time will tend to impair the efficiency of his operation, and render him less able to satisfy the requirements of the general public.

After careful consideration of the record, the Commission is of the opinion, and finds, that common carrier service in the territory in question is adequate; that the permit should be denied.

O R D E R

IT IS ORDERED:

That the instant application be, and the same hereby is, 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 5th day of November, 1943.

mw

(Decision No. 21550)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MAUDE E. HARBERT, 708 INDIANA ST.,)
TRINIDAD, COLORADO, FOR A CLASS "B") APPLICATION NO. 5752-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 5, 1943

Appearances: Frank Hall, Esq., Trinidad, Colorado, for the applicant.

S T A T E M E N T

By the Commission:

In the above-styled matter, the Commission has been informed that applicant, Maude E. Harbert, has sold her equipment, and does not desire to prosecute her application further.

After 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 hereby is, dismissed.

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 5th day of November, 1943.

mw

(Decision No. 21551)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Freda Cox)
514 - 11th St.,) PRIVATE PERMIT NO. B-2878
Greeley, Colorado)
)
- - - - - - - - - - - - - - - -

- - - - - - - - - -
November 5, 1943.
- - - - - - - - - -

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 Permit No. B-2878 be suspended for a period of six months from October 1, 1943.

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 ORDERED:

That Freda Cox of 514 - 11th St., Greeley, Colorado be, and she is hereby, authorized to suspend her operations under Permit No. B-2878 for a period of not to exceed six months from October 1, 1943.

That unless said Freda Cox shall, prior to the expirations 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

m

(Decision No. 21552)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Charles H. DuCommun)
330 Galapago St.,) PRIVATE PERMIT NO. B-2937
Denver, Colorado)

November 5, 1943.

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 Permit No. B-2937 be suspended for a period of six months from November 2, 1943.

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 ORDERED:

That Charles H. DuCommun of 330 Galapago St., Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2937 for a period of not to exceed six months from November 2, 1943.

That unless said Charles H. DuCommun shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

(Decision No. 21553)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JAMES H. McNIERNEY) PERMIT NO. B-2766
1279 S Washington St.)
Denver, 10, Colo)
)

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James H. McNierney of 1279 S Washington St. Denver, 10 Colo., requesting that his Permit No. B-2766 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-2766, heretofore issued to James H. McNierney, 1279 S. Washington St., Denver, 10, Colorado, be, and the same is hereby, declared cancelled effective October 11, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry P. Thomason

/s/ Edward E. Meeker

/s/ Malcolm Ericksson

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 1943.

(Decision No. 21554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
UTE CHIEF MINERAL PRODUCTS) PERMIT NO. C-13139
1321 E Evans,)
Pueblo, Colo)
)

November 5, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ute Chief Mineral Products of 1321 E Evans, Pueblo, Colo., requesting that his Permit No. C-13139 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-13139, heretofore issued to Ute Chief Mineral Products, 1321 E Evans, Pueblo, Colo., be, and the same is hereby, declared cancelled effective December 21, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 5th day of November, 1943

(Decision No. 21555)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CREWS-BEGGS DRY GOODS)
318 N Main St.)
Pueblo, Colo.)
)

PERMIT NO. C-2540

November 5, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Crews-Beggs Dry Goods of 308 N Main St., Pueblo, Colo., requesting that his Permit No. C-2540 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-2540, heretofore issued to Crews-Beggs Dry Goods, 308 N Main St., Pueblo, Colo., be, and the same is hereby, declared cancelled effective October 30, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 5th day of November, 1943

(Decision No 21556)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RIGGS & SON)
Arvada,)
Colorado)
)

PERMIT NO. C-5613

November 5, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Riggs & Son of Arvada, Colorado, requesting that his Permit No. C-5613 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-5613, heretofore issued to Riggs & Son Arvada, Colorado, be, and the same is hereby, declared cancelled effective October 20, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 5th day of November, 1943.

(Decision No. 21557)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Lester Hess)
230 N Grant St.)
Ft. Collins, Colo.)
)

PERMIT NO. C-8301

November 5, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lester Hess of 230 N Grant St., Ft. Collins, Colo, requesting that his Permit No. C-8301 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-8301, heretofore issued to Lester Hess, 230 N Grant St. Ft. Collins, Colorado, be, and the same is hereby, declared cancelled effective October 30, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 5th day of November, 1943

(Decision No. 21558)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. HASCOL WILSON) PERMIT NO. C-9388
Fountain,)
Colorado)
)

November 5, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. Hascol Wilson of Fountain, Colorado, requesting that his Permit No. C-9388 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-9388, heretofore issued to J. Hascol Wilson, Fountain, Colorado be, and the same is hereby, declared cancelled effective October 27, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 5th day of November, 1943.

(Decision No. 21559)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOE MOHMOOD) PERMIT NO. C-13467
227 N Main St.)
Borger, Texas)
)

November 5, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Mohmood of 227 N Main St., Borger, Texas, requesting that his Permit No. C-13467 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-13467, heretofore issued to Joe Mohmood, 227 N Main St., Borger, Texas, be, and the same is hereby, declared cancelled effective September 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 5th day of November, 19 43

(Decision No. 21560)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOE E DENTON)
Box 221,)
Monte Vista, Colo)
)

PERMIT NO. C-14593

November 5, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe E. Denton of Box 221, Monte Vista, Colorado, requesting that his Permit No. C-14593 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-14593, heretofore issued to Joe E. Denton, Box 221, Monte Vista, Colorado, be, and the same is hereby, declared cancelled effective October 15, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 5th day of November, 19 43

(Decision No. 21561)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
R. P. DEKKERS FOR A PERMIT TO OPERATE)
AS A MOTOR VEHICLE CARRIER IN INTER-) APPLICATION NO. 1975
STATE COMMERCE ONLY BETWEEN DENVER,)
COLORADO, AND THE COLORADO-WYOMING)
STATE LINE, AND INTERMEDIATE POINTS.)

November 5, 1943.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on March 16, 1932. Thereafter, protests were filed by Union Pacific Railroad Company and The Colorado and Southern Railway Company, and no other steps were taken in the matter.

Motion to dismiss was filed on December 10, 1942, by Union Pacific Railroad Company, and in view of the long period of time which has elapsed since the filing of said application, the Commission is of the opinion, and so finds, that same should be dismissed.

O R D E R

IT IS ORDERED:

That the instant application 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 5th day of November, 1943.

BH

(Decision No. 21562)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF GEORGE D. PRATT AND H. C. GUILLAUME, COPARTNERS, DOING BUSINESS UNDER THE NAME OF AUTO CARTAGE COMPANY, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE MOTOR VEHICLE FREIGHT AND EXPRESS SERVICE BETWEEN DETROIT, MICHIGAN, AND ALL POINTS IN THE STATE OF COLORADO.	)	APPLICATION NO. 1908

November 5, 1943.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on September 11, 1931. Thereafter, objections were filed by Union Pacific Railroad Company, and no other action was taken in the matter.

Motion to dismiss for failure to prosecute was filed by Union Pacific Railroad Company on December 10, 1942, and the Commission is of the opinion, and so finds, that in view of the long period of time which has elapsed since the filing of said application, same should be dismissed.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

BH

(Decision No. 21563)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
GAILON LEWIS TO EXTEND HIS CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND) APPLICATION NO. 1874
NECESSITY TO INCLUDE THE TERRITORY)
WITHIN A RADIUS OF TEN MILES OF FORT)
COLLINS, COLORADO.)

November 5, 1943.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on August 3, 1931. Thereafter, protests were received from the McMillan Transfer and Storage Company, Union Pacific Railroad Company, and The Colorado and Southern Railway Company. Copies of said protests were duly served upon applicant, and no further action has been taken in the matter since September 8, 1931.

On December 10, 1942, Motion to Dismiss the above entitled matter was filed by Union Pacific Railroad Company for failure to prosecute.

In view of the length of time which has elapsed since the filing of said application, the Commission is of the opinion, and finds, that said motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

BH

(Decision No. 21564)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
F. S. ROBBINS AND A. B. ROBBINS,)
DOING BUSINESS AS THE WESTERN MOTOR) APPLICATION NO. 1950
EXPRESS, FOR A PERMIT TO OPERATE AN)
INTERSTATE TRUCK LINE OUT OF COLORADO.)

November 5, 1943.

S T A T E M E N T

By the Commission:

The instant application was filed on February 1, 1932. Thereafter, protests were filed by Union Pacific Railroad Company, The Colorado and Southern Railway Company and Bennett's Transfer and Storage Company.

On December 10, 1942, motion to dismiss said application was filed by Union Pacific Railroad Company for failure to prosecute, and in view of the long period of time which has elapsed since the filing of said application, the Commission is of the opinion, and so finds, that said motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

BH

(Decision No. 21565)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HUGH KYLE, DOING BUSINESS AS "HUGH)
KYLE TRUCK LINE," PAGOSA SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 4579-A
PUC NO. 1255 TO HARVEY J. CATCHPOLE,)
PAGOSA SPRINGS, COLORADO.)

November 5, 1943

Appearances: Hugh Kyle, Pagosa Springs, Colorado, for applicants;
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On September 14, 1938, by Decision No. 12356, Hugh Kyle was authorized to operate as a common carrier by motor vehicle, on call and demand, for the transportation of:

> farm produce, including livestock, farm supplies, used household goods, office and store equipment, contractors' supplies and equipment, building materials and telephone poles, between points within a radius of 35 miles of Pagosa Springs, Colorado, and from said area to and from other points in the State of Colorado, save and except that no transportation service shall be rendered under this certificate to or from what is known as the "Pine River Dam" or from or to Ignacio, Colorado, nor shall any household goods be transported into or out of said area, to or from Denver, Colorado Springs, or Pueblo,

He now seeks authority to transfer said certificate to Harvey J. Catchpole, Pagosa Springs, Colorado.

At the hearing, in Alamosa, Colorado, on October 26, 1943, it appeared that the consideration for the transfer of the certificate is the sum of $250.00; that all operating obligations of transferor have been paid; that transferee is the Continental Oil Company agent at Pagosa Springs; that he has three trucks which he proposes to use in the opera-

tion; that, pecuniarily and otherwise, he is able, willing and qualified to carry on the operation.

After 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 Hugh Kyle, doing business as "Hugh Kyle Truck Line," Pagosa Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to certificate of public convenience and necessity No. 1255 to Harvey J. Catchpole, Pagosa 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of November, 1943.

mw

(Decision No. 21566)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. H. BRATTIN, 819 CHEYENNE BOULE-)
VARD, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 6502-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 5, 1943

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 and gravel from point to point within a radius of fifty miles of Colorado Springs, 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 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. H. Brattin, 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 and gravel from point to point within a radius of fifty miles of Colorado Springs, 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 5th day of November, 1943.

mw

(Decision No. 21567)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE VITULLO AND ALBERT C. VITULLO,)
908 EAST FOURTH STREET, PUEBLO,) APPLICATION NO. 6501-PP
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS PRIVATE CARRIERS BY MOTOR)
VEHICLE FOR HIRE.)

November 5, 1943

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers 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, and also excluding service 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 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 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 Joe Vitullo and Albert C. Vitullo, Pueblo, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers 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, and also excluding service within a radius of fifty miles of 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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

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

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 5th day of November, 1943.

mw

(Decision No. 21568)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM A. THAYER, ALAMOSA, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-1057 TO FRANK M. FORD, RURAL ROUTE 2, MONTE VISTA, COLORADO.

APPLICATION NO. 2400-PP-AAA

November 5, 1943

Appearances: J. E. Pound, Esq., Alamosa, Colorado, for Frank M. Ford; William A. Thayer, Alamosa, Colorado, pro se.

S T A T E M E N T

By the Commission:

By authority of the Commission (Decision No. 17863), William A. Thayer, Alamosa, Colorado, acquired the operating authority theretofore granted to J. F. McIntyre, Alamosa, Colorado, who was authorized to operate as a Class "A" private carrier (Permit No. A-1057) 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.

Thayer now seeks authority to transfer said permit to Frank M. Ford, Monte Vista, Colorado.

The matter was heard at Alamosa, Colorado, on October 26, 1943, pursuant to prior setting.

At the hearing, it appeared that the consideration for the transfer of permit is the sum of Five Hundred Dollars; that all operating obligations of transferor have been paid; that transferee, pecuniarily and otherwise, is qualified to carry on the operation.

After 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 William A. Thayer, Alamosa, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-1057 to Frank M. Ford, Monte Vista, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of November, 1943.

mw

Original

(Decision No. 21569)

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 (RE: Rates on Cement, Lime and Plaster from Boettcher and Wilds Spur to Julesburg, Ovid, and Sedgwick; also certain changes in connection with the Elbert Transfer Co.)

November 9, 1943

Appearances: C. E. Courtright, Julesburg, Colorado, pro se;
Ray Smith, Denham Building, Denver, Colo., for the Colorado Motor Carriers Association;
E. G. Knowles, Esq., International Trust Bldg., Denver, Colo., for Union Pacific Railroad Co.,
H. M. Boyle, Esq., Denver, Colorado, for Colorado & Southern Railway Co.,
Homer Jessup, Elbert, Colorado, pro se;
T. S. Wood, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On September 22, 1943, Decision No. 21377, the Commission, upon petition, reopened Case No. 1585 for further hearing relative to a rate of 21 cents per 100 pounds on cement, lime and plaster, minimum weight 10,000 pounds, from Boettcher, Colorado, to Julesburg, Ovid and Sedgwick, Colo., and 20 cents per 100 pounds on lime and plaster, minimum weight 10,000 pounds, from Wilds Spur, Colo., to the same points of destination. These rates were requested by C. E. Courtright of Julesburg, Colo. Also, for account of the Elbert Transfer Company, the following requests were made: To cancel rates of 12 1/2 cents per 100 pounds, minimum weight 12,000 pounds, and 10 cents per 100 pounds, minimum weight 20,000 pounds, on farm products, from Elbert, Colo., and points within a 10-mile radius thereof to Pueblo and Limon, Colo. To add salt, in boxes, bags or blocks and Oyster shell, in bags, to item now embracing flour and mill feeds, minimum weight 500 pounds, from Denver to Elbert, Elizabeth and Kiowa, and to increase the rate from ten (10) to twenty (20) cents per 100 pounds; and to increase from ten (10) to twenty (20) cents per 100 pounds the rate on sugar, in bags, minimum weight 500 pounds, from Denver, to Elbert, Elizabeth and Kiowa, Colo.

This matter was assigned for hearing, and was heard October 26, 1943, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, due notice being given all concerned.

Mr. Courtright, testifying in his own behalf, stated that two or three times a week his trucks were in Denver, and returned home empty; that the lumber dealers at the destinations involved would give him return loads from Boettcher and Wilds Spur on the basis of the proposed rates; that he felt under those conditions he could secure a return load thereby cutting down his cost of operations; that he thought his cost of operation was around ten (10) cents per truck mile; that he was of the opinion that his proposed rates were three (3) cents per 100 pounds over the rail carload rates; that the said three (3) cents was added to take care of the delivery at destinations as carload shipments would have to be trucked from the car to the yards or warehouses of the dealers.

A letter from The Sterling Lumber & Investment Company was introduced as an Exhibit, and in substance stated, that it controlled a number of lumber yards in the territory to be served; that it would buy cement in less than carload lots; that it understood Mr. Courtright was willing to haul the cement at the carload rate; that it could better serve the trade by purchasing the cement in truckload lots to get a better turn-over and supply them with fresh cement.

The Union Pacific Railroad Company and The Colorado and Southern Railway Company objected to the establishment of the proposed rates on such a low minimum weight and introduced in evidence two exhibits showing both the rail and highway distance from both origins to the three destinations, the present rail rates on less than carload lots, also on minimum weights of 5,000 and 10,000 pounds, the present truck rates on 10,000 and 20,000 pounds, the proposed truck rate and minimum weight, present truck and truck-mile earnings, the truck and truck-mile earnings under the proposed rates, and the rail carload rates and minimum weights.

Mr. Lynch, testifying on behalf of the Union Pacific, stated that the Interstate Commerce Commission Statement 4-800 shows in this territory the average truck mile revenue for 1941 was 23.2 cents and the average truck mile expense was 22.2, and for the year 1942 it was 27.2 cents and 25.3 cents, respectively.

The truck mile revenue under the proposed rate is as follows: From Boettcher to Julesburg, 12.5¢, Ovid, 13.2¢, and Sedgwick, 14¢; from Wilds Spur to Julesburg, 11.1¢, Ovid, 11.6¢, and Sedgwick, 12.2¢.

The rail rate on cement from Boettcher is 18¢ per 100 pounds, minimum weight 50,000 pounds, and from Wilds Spur on lime, 19¢ cwt., minimum weight 30,000 pounds, and 15¢ cwt. on 50,000 pounds; plaster, 21¢ cwt., minimum weight 40,000 pounds.

The testimony of Mr. Courtright relative to his cost of operation was very vague and we are not convinced that he can operate on as low a figure as he stated. Under the present rates on 10,000 pounds, the earnings from Boettcher would yield 17.3, 16.4 and 16.2 cents per truck mile to Sedgwick, Ovid and Julesburg, respectively, and from Wilds Spur, 15.3, 15.2 and 14.5 cents per truck mile, respectively, which earnings are considerably lower than the average shown by the I.C.C. Statement.

We find that the proposed rates and minimum weights have not been justified, and that the application should be denied.

In regard to the request of the Elbert Transfer Company, Mr. Jessup, its owner, testified, that the rates of 12 1/2 and 10 cents per 100 pounds on farm products from Elbert and vicinity to Pueblo and Limon were obsolete, nothing having moved under same for the last two years, and further, if a subsequent movement should develop it should take the regular mileage scale of rates prescribed by the Commission, as the 12 1/2 and 10 cent rates were too low under the present day cost of operation; that salt, oyster shells and calcium should be added to the list of commodities of flour and mill feeds as the farmers were now mixing their own feeds instead of buying the prepared feeds; that the increase from 10 cents to 20 cents per 100 pounds was justified under present conditions, stating that the present 10 cent rate barely covered the pick-up cost, to say nothing of the cost on the line haul operation; that he now was proposing the cancellation of the rate of 10 cents per 100 pounds on sugar, instead of increasing it to 20 cents, as the movement of sugar in 500-pound lots was a rarity, most of the sugar moving in smaller quantities in mixed shipments of groceries at the fourth class rates.

No objection was entered to the proposed adjustments, and they appear to be reasonable.

We find that the rates of 12 1/2 and 10 cents per 100 pounds on farm products, minimum weights 12,000 and 20,000 pounds, respectively, from Elbert, Colo., and points within a 10-mile radius thereof to Pueblo and Limon, Colo., should be cancelled; that a rate of 10 cents per 100 pounds on sugar, in bags, minimum weight 500 pounds, from Denver, Colo., to Elbert, Elizabeth and Kiowa, Colo., should also be cancelled; that a rate of 20 cents per 100 pounds on flour, mill feeds, and calcium in boxes, barrels or bags, salt in boxes, bags or blocks, and oyster shell in bags, in straight or mixed shipments, minimum weight 500 pounds from Denver, Colorado, to Elbert, Elizabeth and Kiowa, Colorado, is, and for the future will be, a just, fair, reasonable and sufficient maximum and minimum rate for scheduled motor vehicle common carriers, and a minimum rate for Class A private carriers by motor vehicle when competing with duly authorized scheduled motor vehicle common carriers for substantially the same or similar service; that call and demand motor vehicle common carriers and Class "B" private carriers should not charge less than 20 per cent more than 20 cents per 100 pounds.

O R D E R

IT IS ORDERED, That this order shall become effective forthwith; that the application of C. E. Courtright for authority to publish a rate of 21 cents per 100 pounds, minimum weight 10,000 pounds, on cement, lime and plaster from Boettcher, Colorado, to Julesburg, Ovid and Sedgwick, Colorado, and a rate of 20 cents per 100 pounds, minimum weight 10,000 pounds on lime and plaster from Wilds Spur, Colorado, to Julesburg, Ovid and Sedgwick, Colorado, be, and the same is hereby denied; that rates of 12 1/2 and 10 cents per 100 pounds on farm products, minimum weights 12,000 and 20,000 pounds, respectively, from Elbert, Colorado, and points within a ten (10) mile radius thereof to Pueblo and Limon, Colorado, shall be cancelled; that a rate of ten (10) cents per 100 pounds on sugar, in bags, minimum weight 500 pounds, from Denver, Colorado, to Elbert, Elizabeth and Kiowa, Colorado, shall be cancelled; that a rate of 20 cents per 100 pounds on flour, mill feeds and calcium, in boxes, barrels or bags, salt, in boxes, bags or blocks, and oyster shell, in bags, in

straight or mixed shipments, minimum weight 500 pounds, from Denver, Colorado, to Elbert, Elizabeth and Kiowa, Colorado, shall be published by all scheduled motor vehicle common carriers and Class A private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected; that all call and demand motor vehicle common carriers and Class B private carriers by motor vehicle to the extent they are affected shall publish a rate which shall not be less than twenty (20) per cent more than the aforesaid twenty (20) cents; that the aforesaid cancellations and the publication of the twenty (20) cent rate shall be made effective on November 20, 1943, on notice to this Commission and the general public by not less than five (5) days' 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; that on and after November 20, 1943, all affected scheduled motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rate herein prescribed; that all affected call and demand motor vehicle common carriers and Class B private carriers by motor vehicle shall cease and desist from demanding, charging and collecting rates and charges which shall be less than twenty (20) per cent greater than the rate herein prescribed; that Class A private carriers by motor vehicle, to the extent they are affected, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than the rate herein prescribed; that this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier; that the order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force until the further order of the Commission; that jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(S E A L)
ATTEST: A TRUE COPY

LOUIS J. CARTER
Secretary

HENRY S. SHERMAN

EDWARD E. WHEELER

MALCOM ERICKSON
Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1943

JH

(Decision No. 21570)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
D. M. BAYLER, OPERATING UNDER THE)
TRADE NAME AND STYLE OF WYOMING MOTORS,)
FOR CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 1850
AND NECESSITY TO OPERATE INTERSTATE)
SERVICE BETWEEN DENVER, COLORADO, AND)
LUSK, WYOMING, AND SCOTTSBLUFF, NEBRASKA,)
AND INTERMEDIATE POINTS.)

November 5, 1943.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on June 22, 1931. Thereafter, on July 1, 1931, objection and answer of Union Pacific Railroad Company was filed, and no further action has been taken in said matter since said date.

On December 10, 1942, motion to dismiss said application for failure to prosecute, was filed by Union Pacific Railroad Company.

In view of the long period of time which has elapsed since the filing of said application, the Commission is of the opinion, and so finds, that said motion should be sustained.

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed for failure to prosecute.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

BH

(Decision No. 21571)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF G. A.)
AND FLOYD H. KENNEDY, DOING BUSINESS) CASE NO. 31173-Ins.
AS THE KENNEDY DELIVERY, 899 COLLIER)
STREET, LONGMONT, COLORADO.)

November 5, 1943.

S T A T E M E N T

By the Commission:

Heretofore, G. A. and Floyd Kennedy were granted a certificate of public convenience and necessity designated as No. 1306, which authorized the transportation of:

> "Express, baggage, packages and light freight from point to point within the City of Longmont, Colorado, and within the area extending one mile distant in all directions from the city limits of the City of Longmont, provided applicants shall not use larger than ½-ton equipment in the conduct of their business."

On September 25, 1943, applicant wrote the Commission requesting that authority be limited to the transportation of mail and express in order that he would not have to carry cargo insurance.

On October 16, 1943, the above certificate was cancelled for failure to have on file the necessary cargo insurance required by law, and under date of October 23, 1943, a letter from the Railway Express Agency was filed with the Commission, advising applicant that no cargo insurance would be required for handling express business in the City of Longmont.

The Commission has been asked to set aside the order revoking said certificate, as well as to restrict operations under said certificate to the delivery of express at Longmont.

After 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 authority to transport baggage, packages, and light freight

under Certificate No. 1306 be, and the same is hereby, eliminated.

IT IS FURTHER ORDERED, That our order revoking Certificate No. 1306, dated October 16, 1943, in Case No. 31173-Ins. be, and the same is hereby, vacated and said certificate is reinstated, effective October 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

BH

(Decision No. 21572)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF S. N. DRUM AND ED HAINES, DOING BUSINESS AS HAINES MOTOR FREIGHT, TO TRANSFER INTERSTATE CERTIFICATE NO. 1050-I TO ED HAINES, DOING BUSINESS AS HAINES MOTOR FREIGHT, DURANGO, COLODADO.	)	CERTIFICATE NO. 1050-I

November 5, 1943.

S T A T E M E N T

By the Commission:

Heretofore, Certificate No. 1050-I was granted to S. N. Drum and Ed Haines, doing business as Haines Motor Freight. Application has now been filed with the Commission for authority to transfer said certificate to Ed Haines, doing business as Haines Motor Freight.

It appears that authority has heretofore been granted by the Interstate Commerce Commission to transfer the interstate certificate held by S. N. Drum and Ed Haines to Ed Haines.

It further appears from the financial statement of Ed Haines that sufficient assets exist to take care of any outstanding obligations of the former partnership. It also appears that formal hearing upon this application is unnecessary.

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

O R D E R

IT IS ORDERED:

That S. N. Drum and Ed Haines be, and they are hereby, authorized to transfer all their right, title and interest in and to Certificate No. 1050-I to Ed Haines, doing business as Haines Motor Freight.

IT IS FURTHER ORDERED, That transferee shall assume and take care of any and all outstanding obligations of the former partnership, as indicated by list of creditors on file with the Commission.

The right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

BH

(Decision No. (21573)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF JOSEPH ELLSWORTH DENTON, DEL NORTE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6264-PP

November 5, 1943.

Appearances: Conour and Conour, Esqs., Del Norte, Colorado, for E. T. Walker and J. P. Wiederkehr;
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On October 4, 1943, by Decision No. 21423, application for rehearing in the above-styled matter filed by applicant was granted, and said matter set for hearing at Alamosa, Colorado, on October 26, 1943, due notice thereof being forwarded to applicant.

Applicant did not appear at the hearing, but when the matter was called, the Commission was informed by Richard E. Conour, Esq., that applicant had joined the Marines, and now is in active service.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that said matter should be continued for the duration of the war and six months thereafter, unless prior to said time applicant shall request hearing.

O R D E R

IT IS ORDERED:

That the above-styled matter be, and the same hereby is, continued for the duration of the war and six months thereafter, unless, prior to said time, applicant shall request hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1943.

BH

(Decision No. 21574)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
T. I. GRIFFITH, BLANCA, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT) APPLICATION NO. 3312-PPBB-A
NO. B-1623 TO JAY PARSONS, BLANCA,)
COLORADO.)

November 5, 1943.

Appearances: Jay Parsons, Blanca, Colorado,
pro se;
T. I. Griffith, Blanca, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Heretofore, T. I. Griffith, of Blanca, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> (a) farm products, including livestock, used household goods, farm machinery, farm equipment and supplies, lumber and building materials, from point to point within the area extending 8 miles south, 8 miles west, 16 miles east and 16 miles north of Blanca, and from points in said area to the ranches of Crawford and Grady near Alamosa; (b) farm products, including livestock, from points in said area and the ranches of said Crawford and Grady to points in the State of Colorado; (c) ice from points in said area to Blanca and Fort Garland packing houses; (d) light express and freight for the San Luis Valley Southern Railroad Company between points along its line extending from Blanca to Jarosa, at any time there is interruption or breakdown of said railroad service.

He now seeks authority to transfer said permit to Jay Parsons, of Blanca, Colorado.

The matter was heard at Alamosa, Colorado, on October 26, 1943, pursuant to prior setting, where it appeared that the consideration for the transfer of the permit is the sum of $200.00; that all operating obligations of transferor have been paid; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation.

After 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 T. I. Griffith, Blanca, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-1623 to Jay Parsons, Blanca, 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 5th day of November, 1943.

bh

(Decision No. 21575)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE NOTICE OF THE COLORADO AND SOUTHEASTERN RAILROAD COMPANY TO ABANDON 1.206 MILES OF ITS TRACK BETWEEN CHANDLER JUNCTION ON THE ATCHISON, TOPEKA AND SANTA FE RAILWAY AND THE DENVER AND RIO GRANDE WESTERN JUNCTION ON THE DENVER AND RIO GRANDE WESTERN RAILROAD KNOWN AS CHANDLER BRANCH, ALL IN FREMONT COUNTY, COLORADO.	)	APPLICATION NO. 6489

November 8, 1943.

S T A T E M E N T

By the Commission:

On October 14, 1943, the Colorado and Southeastern Railroad Company, by its Auditor, pursuant to General Order No. 15, applied for permission to abandon 0.716 miles of main track and 0.490 of yard tracks and sidings , or a total of 1.206 miles of its tracks between the Atchison, Topeka and Santa Fe Railway and the Denver and Rio Grande Western Railroad in Fremont County, Colorado, including bridges, culverts, etc.

The Company alleges the reason that abandonment should be authorized was that the line was used to serve the coal business of the Victor-American Fuel Company, whose mine was on the line of the Denver and Rio Grande Western Railroad, and that said mine has been closed permanently and the property dismantled.

The line sought to be abandoned is a connecting line between the Denver and Rio Grande Western Railroad Company and the Santa Fe Railway Company in order to deliver coal from the Victor-American mine to the Atchison, Topeka and Santa Fe Railway Company, and now that the Victor-American Fuel Company mine is closed permanently and has been since July, 1942, no traffic moves over the property of the proposed abandoned line.

Copies of the notice were duly sent to the Board of County Commissioners of Fremont County, the Victor-American Fuel Company, Denver and Rio Grande

Western Railroad Company, and Atchison, Topeka and Santa Fe Railway Company, the only known parties concerned in this matter.

Each of the aforementioned parties have signified that they have no protest to enter against the proposed abandonment.

It does not appear that anyone will be inconvenienced by the abandonment of said track, and the Commission, therefore, finds that said company, the Colorado and Southeastern Railroad Company may abandon said trackage as proposed herein.

O R D E R

IT IS ORDERED:

That the Colorado and Southeastern Railroad Company be, and it is hereby, permitted to abandon and dismantle its 0.716 miles of main track and 0.490 miles of yard tracks and sidings, being its connecting trackage between the Atchison, Topeka and Santa Fe Railway and the Denver and Rio Grande Western Railroad in Fremont County.

IT IS FURTHER ORDERED, That said company shall cancel all rates applicable to Chandler Branch on one (1) day's notice in accordance with Section 16 of the Public Utilities Act.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1943.

BH

(Decision No. 21576)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLAIRE LANE, PAONIA, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 6468-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 6, 1943.

Appearances: Claire Lane, Paonia, Colorado, pro se;
A. A. Brooks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association, W. R. Hall;
Groves and Banks, Esqs., Grand Junction, Colorado, for G. W. Hawthorne, W. J. Marlow;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Grand Junction, Colorado, on October 19, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, except livestock, between points within a radius of thirty miles of Paonia, grain from railroad cars to feed stores, and grain to farms from feed stores and railroad cars in said area, furniture between points within a radius of twenty-five miles of Paonia, excepting service from or to Cedaredge, Eckert, or Austin, and between points served by line haul motor vehicle common carriers operating on schedule.

Applicant testified that practically all his service would be between points within a radius of ten or fifteen miles of Paonia; that he did not intend to compete with Hawthorne; that he would not serve in the territory of W. J. Marlow, or around Austin, Eckert, Cory, or Cedaredge. He suggested that he would like to haul fruit to Denver and to handle furniture to some points more than fifty miles distant from Paonia, but inas-

much as his application did not include said service, and carriers not present might desire to object, amendment was not permitted. He also stated he would like to haul grain to Delta and mixed feed back. Mixed feed is not a farm product, and is not included in the application as drawn. He stated that practically all service would be farm to town, farm to farm, and town to farm. Motor Way agreed that it would have no objection to haul of farm produce from farms to Delta and Colorado Transfer & Warehousemen's Association and Motor Way agreed it had no objection to authority to haul used furniture and household goods between points within radius of 25 miles of Paonia.

While it is desirable that all farming communities should have resident carriers, it is not necessary for applicant to operate at points more distant than ten or fifteen miles from Paonia in order to serve his community.

He stated that practically all customers resided within that area, and that most of his demands were for short hauls in and around Paonia. To go beyond that distance means that he will invade the territory of other carriers who are having difficulty continuing their operations and to meet expenses.

After careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to operate as a Class "B" private carrier by motor vehicle for hire with authority as set forth in order following.

O R D E R

IT IS ORDERED:

That Claire Lane, Paonia, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, except livestock, between points within a radius of fifteen miles of Paonia; used furniture and household goods between points within a radius of twenty-five miles of Paonia without right to haul between towns served by Rio Grande Motor Way; grain from railroad cars to feed stores in said area; grain from railroad cars and feed stores to farms in the area; farm produce from farms in said fifteen-mile radius to Delta, without the right to serve in competition with W. J. Marlow, in and around Austin,

Eckert, Cory, or Cedaredge, 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

K. D. Thorman

Edward E. Vanes

Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1943.

hs

(Decision 21577)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LYMON MOTT, ROUTE 2, MONTE VISTA,) APPLICATION NO. 6290-PP
COLORADO, FOR A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 6, 1943

Appearances: Lymon Mott, Monte Vista, Colorado, pro se;
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Alamosa, Colorado, on October 26, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of potatoes, grain, vegetables, and other farm produce, including livestock, between points within the area extending ten miles north, seven miles south, seven miles west, and three miles east of Carmel, and from points in the area to La Jara, Star, Henry, Alamosa, and Monte Vista, with back-haul of farm supplies to points in said area, and the transportation of livestock from points in said area to Alamosa, Pueblo, and Denver, Colorado.

A t the hearing, it appeared that applicant has two trucks; that he employs one driver; that he has been engaged in operations under a Commercial Permit, and has been asked by a number of persons from whom he has purchased farm products to haul for hire; that transportation facilities, for a period of three or more months, have been wholly inadequate, farmers being badly in need of additional trucking facilities.

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.

A fter 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 Lymon Mott, Monte Vista, 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 potatoes, grain, vegetables, and other farm produce, including livestock, between points within the area extending ten miles north, seven miles south, seven miles west, and three miles east of Carmel and from points in the area to La Jara, Star, Henry, Alamosa, and Monte Vista with back-haul of farm supplies to points in said Carmel area, and the transportation of livestock from points in said Carmel area to Alamosa, Pueblo, and Denver, Colorado, without backhaul from said points.

All operations hereunder shall be stricly 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1943.

Original

(Decision No. 21578)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
S. N. DRUM FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 6354
SUPPLEMENTAL ORDER

November 4, 1943.

Appearances: Worth Allen, Esq., E & C Building, Denver, Colorado, for applicant;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., and Wilson McCarthy and Henry Swan, Trustees of The Denver and Rio Grande Western Railroad Company;
T. C. Drinkwater, Esq., Colorado National Bank Building, Denver, Colorado, for Continental Air Lines;
David Oyler, Esq., E & C Building, Denver, Colorado, for W. Leo Schuth;
S. Arthur Henry, Esq., Colorado National Bank Bldg., Denver, Colorado, for Ray Wilson, Inc.;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

S. Arthur Henry, attorney for protestant, Ray Wilson, Inc., communicated with the Commission on November 4, 1943, stating that he had been in the hospital for the past ten days or two weeks undergoing a minor operation, and that he had been unable to give attention to the matter of petitioning the Commission for rehearing in the above matter. He requested that the effective date of Decision No. 21464, entered October 16, 1943, effective November 5, 1943, granting authority to the applicant, be postponed until November 11, 1943, to enable him to prepare and file a petition for rehearing.

In view of the reasons stated by Mr. Henry, attorney for protestant, Ray Wilson, Inc., the Commission finds that the effective date of the order in the above matter be postponed until the 11th day of November, 1943.

O R D E R

IT IS ORDERED:

That the effective date of the order in the above matter (Decision No. 21464) be postponed until the 11th day of November, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1943.

BH

(Decision No. 21579)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
BAIRD TRANSFER & STORAGE COMPANY, INC.,)
PUEBLO, COLORADO, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-) APPLICATION NO. 1695-AA
VENIENCE AND NECESSITY NO. 551 TO)
JAMES QUALTERI, 1531 WYNKOOP STREET,)
DENVER, COLORADO.)

November 6, 1943.

Appearances: James Qualteri, Denver, Colorado, for applicants;
T. A. Stockton, Jr., Esq., Denver, Colorado, for The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company.

S T A T E M E N T

By the Commission:

On March 10, 1931, in Application No. 1695, Decision No. 3283, Otto Baird was granted a certificate of public convenience and necessity authorizing:

> The transportation in both interstate and intrastate commerce of household goods between Pueblo and all points within the State of Colorado, subject to the following conditions:
>
> (a) The applicant shall not operate on schedule between any points.
>
> (b) The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Pueblo for the purpose of developing business.

Thereafter, on April 10, 1940, in Application No. 1695-A, Decision No. 15215, authority was granted to said Otto Baird to transfer said certificate, which had been designated No. 551, to Baird Transfer and Storage Company, a Colorado corporation. The instant application seeks authority to transfer said Certificate No. 551 from said Baird Transfer and Storage Company, Inc., to James Qualteri.

Hearing was held on said application in Denver, Colorado, on May 15, 1942. At said hearing, it developed that transferee desired to enlarge operations authorized under said certificate. He stated that he desired to serve the territory now authorized to be served under Certificate No. 1281-I, which authorizes the transportation of freight in interstate commerce only,-

> "between Pueblo and Ault, via US 85; Denver and Fort Collins via US 87; Greeley and Loveland via Colo. 16, and Fort Collins and Ault via Colo. 14, and between all intermediate points, except between Pueblo and Denver, where the intermediate point of Colorado Springs may be served on northbound movements, and between all intermediate points on southbound movements."

It is impossible for the Commission to enlarge operations under this certificate without proper application being filed and hearing held thereon after notice to interested parties.

So far as the transfer of said certificate is concerned, no protests were interposed, and it affirmatively appeared at the hearing that no debts existed against the operations of transferor, and that transferee is financially able and has the experience and ability to carry on operations under said certificate.

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

O R D E R

IT IS ORDERED:

That Baird Transfer and Storage Company, Inc., be, and it is hereby, authorized to transfer all of its right, title and interest in and to certificate of public convenience and necessity No. 551 to James Qualteri.

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.

ATTEST: A TRUE COPY.

_____
Secretary.

(S E A L)

Dated at Denver, Colorado,
this 6th day of November, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

HENRY S. SHERMAN

EDWARD E. WHEELER

MALCOM ERICKSON

Commissioners.

(Decision No. 21580)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE MOTOR VEHICLE OPERATIONS OF DEAN RESLER, DOING BUSINESS AS MERCHANTS TRANSFER COMPANY, STERLING, COLORADO, PRIVATE PERMIT NO. A-505.	)))))	CASE NO. 4895

November 9, 1943.

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:

The instant case was initiated by an order to show cause which the Commission issued upon its own motion April 10, 1942. Hearing was held at Denver, Colorado, on May 15, 1942.

The show cause order alleges that respondent violated the law by advertising his services, although operating as a private carrier; failing to issue proper bills of lading; charging rates at variance with those prescribed by the Commission; operating outside his authority under his permit, and by operating as a common carrier under the guise of a private carrier permit.

The evidence disclosed some transgressions on the part of respondent. However, the record does not disclose that respondent willfully and habitually violated the law and our rules and regulations.

The advertisement consisted of a New Year's greeting published in the local paper at Sterling, and the editor of the paper testified that respondent told him that he could not advertise as a private carrier, but when they contacted some official of the p.u.c., they were told there would be no objection to a New Year's greeting card. The wording of the card was unfortunate, as it was in the nature of an advertisement, but it was not shown that respondent

prepared the copy or knew just what was going to appear in the paper.

Numerous under and over charges were shown upon an examination of respondent's books, but, as testified by our own rate expert,-

> "The showing is not bad for any carrier, as mistakes will always occur, and in this instance it looks as though he were trying to bill his customers correctly."

In any event, a considerable time has elapsed since hearing in said case. No further complaints have been received in regard to respondent's operations, and we are inclined to believe that no penalty should be imposed at this time.

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

O R D E R

IT IS ORDERED:

That the instant case should 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

Commissioners.

Dated at Denver, Colorado,
this 9th day of November, 1943.

BH

(Decision No. 21581)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

RE MOTOR VEHICLE OPERATIONS OF INTERMOUNTAIN FREIGHT LINES, INC., DENVER, COLORADO, PUC CERTIFICATE NO. 805, AND PRIVATE CARRIER PERMITS NOS. A-12, A-347, and A-329, AND FRANK, JESSE AND CLARENCE ESTES, DOING BUSINESS AS FRANK ESTES AND SONS, RIFLE, COLORADO, PRIVATE PERMIT NO. A-329.	)	CASE NO. 4897

November 9, 1943.

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

S T A T E M E N T

By the Commission:

The instant case was initiated by the issuance of a show cause order on April 18, 1942, wherein respondents were charged with serving customers with whom they had failed to enter into contracts; operating beyond and in excess of the authority contained in their permit; interlining freight with other private and common carriers; operating as both private and common carriers over the same route with the same equipment, and operating as a common carrier under the guise of a private carrier permit. Hearing was held in Denver, Colorado, on May 15, 1942.

The evidence disclosed numerous violations of the law on the part of respondents. Many of these were explained satisfactorily, but some of the practices indulged in by respondents certainly could not be approved by the Commission. However, we do not consider it necessary to discuss the evidence in detail, as a long period of time has elapsed since hearing in the above matter and no further complaints have been received in regard to the operations of respondents.

We are inclined to believe that no good purpose would be served by

imposing a penalty upon respondents at this time, and 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 9th day of November, 1943.

BH

(Decision No. 21532)

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOBERT C. APPLEGATE, CENTER, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-) APPLICATION NO. 6478-PP
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

November 8, 1943.

Appearances: John D. Wehrle, Esq., Saguache, Colorado, for applicant,
Conour and Conour, Esqs., Del Norte, Colorado, for James E. Ashton, E. T. Walker, J. P. Wiederkehr;
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Alamosa, Colorado, on October 26, 1943, 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 extending fifteen miles west, fifteen miles east, thirty miles north, ten miles south of Center, and from and to points in said area, to and from Alamosa, Pueblo, Colorado Springs and Denver, and the transportation of farm products between points within the area extending fifteen miles west, ten miles east, ten miles north, and ten miles south of Center, with the right to haul farm supplies between points in the pick-up area covered by his livestock operation, and to back-haul farm supplies from Pueblo, Colorado Springs, Denver, and Alamosa to points in said area.

It appeared from the testimony that applicant has one truck, said truck having a sixteen-foot stock rack and a net load capacity of 15,500 pounds, and he does not desire to add additional equipment if permit is granted. He named about thirty farmers whom he stated would contract

with him for service, if he were authorized to furnish it. He claimed that trucking facilities are inadequate; that Ashton and Walker primarily handle livestock, but have been unable, for a number of months, to move livestock promptly, delays sometimes extending as long as three weeks; that farmers want their sheep, cattle and hogs moved when they are in prime condition, and when the market is right; that he wants to help out; that back-haul of supplies primarily will be from Denver; that he wants to be authorized to haul the supplies in order to return with a full load, although he stated that, on a number of occasions while he was operating under Gilder's permit, Motor Way had asked him to haul sacks to Center from Denver; that he thinks that business available in the community is greatly in excess of the amount available some three or four years ago. As to farm products other than livestock, he stated that many farmers whom he expected to have as customers if the permit were granted had requested him to haul potatoes from fields to storage points located on their respective farms and in near-by towns; that they would need his service in the future because potatoes must be moved from the cellars on farms to towns for sorting.

In his behalf, one Louis Kirk, a rancher, stated that he and other ranchers in the territory were short on feed, and recently on that account, he had desired to move some thirty-nine lambs to market, and contacted Ashton for the service. He was compelled to wait two weeks before Ashton could move them; that livestock in the area has decreased greatly on account of movement by the larger livestock growers of their stock to market or to distant pastures; that, in his opinion, they will buy new stock or ship their stock back in the Spring. He thinks that the community should have a resident trucker equipped with trucks of limited capacity to handle requirements of little fellows; that they should not be compelled to go to Del Norte, Monte Vista, or Saguache, distant some twenty to twenty-five miles from Center, for service; that the telephone is not satisfactory. Neither is the service afforded the little rancher by the operator of large trucks satisfactory. It takes too many cattle, sheep or hogs to make up a load, and the trucker does not want to move the stock until he gets a load for his large truck.

Clyde Keller, of Center, had some difficulty getting pumping equipment and casing from Greeley and Denver, which finally was hauled by Postel. He did not know whether Motor Way, Ashton, Walker, or other carriers were contacted by the Denver and Greeley shippers involved. Generally, his testimony was along the same line as that of Louis Kirk. He was of the opinion that the small rancher needs the service of a carrier who operates in a small way.

In opposition, James E. Ashton stated that he was authorized to serve the area which applicant proposed to serve, and practically all points in the San Luis Valley; that he has twelve complete units, being nine semi trailers, two straight trucks, and one pick-up, representing an investment of $25,000.00; that said investment was made by him in order to adequately and profitably serve the needs of the extensive farming and ranch interests of the San Luis Valley; that his headquarters is at Monte Vista; that all trucks, except one pick-up, are equipped with stock racks, and in length range from sixteen feet to thirty-two feet; that he has been in business eight years, and for five years of that period has been a common carrier; that he moved livestock for seventeen of the probable customers of applicant within the past year, and has moved livestock for six additional customers named by him within two years of the time of hearing; that he recently hauled one thousand head of livestock for Mr. Seeley, one of the customers Applegate expects to get (and whom he could not have served adequately with his limited equipment); that it is true that during the period from August 15 to September 15 he was unable to haul all livestock immediately on demand, and on a number of occasions owners were compelled to wait for a week or longer, especially was this true of operators with only a few head of stock, because he was unable to get enough additional shipments to make a load and to move stock promptly; that feed in the Valley is very short, and on that account, large numbers of cattle and sheep are being sold. Other livestock is being shipped to pasture in other parts of the State. He stated that some of the pastured stock may be returned in the Spring; that he anticipates considerably less business, and is of the opinion that much of his equipment

will be idle; that it is difficult to meet every increasing operating expenses on the authorized rates, unless he is able to move stock with large equipment, and if he loses business, will be compelled to lay off men, possibly sell trucks, and be unable to serve peak demands in the territory. He has a small truck which, at times, he has used to haul stock to the place where he has been loading in order to care for needs of small ranchers. Recently, in order to furnish more prompt service by keeping his trucks moving, he has installed a garage and service department. His operations have been profitable during the past year, but loss of business would make it unprofitable. Livestock haul, for the most part, is one way haul, trucks returning from Denver empty.

E. T. Walker, PUC No. 1251, operates in most of the San Luis Valley. He has two semi trucks and three straight jobs. He recently has served nine of the people that Applegate listed as probable customers. His trucks have been busy, he employing two drivers in order that he may keep them in operation at all times, trucks being equipped with sleeper cabs. He stated that operating costs, including wages, have increased greatly over what they were about eighteen months ago, and it is necessary that he get all the business available in the territory in order to continue operating. Feed is short, flocks have been sold, or are being moved to pasture. He now is in a position to handle all demands promptly, and will be until the shipping period of next year. In order to care for needs of people in Saguache County, including those around Center, he has maintained a truck and driver at Saguache.

J. P. Wiederkehr, of Del Norte, hauls potatoes. His territory extends eight miles east of Del Norte, which would be about seven miles west of Center. He has six trucks, three or four of them being idle at this time. Except for a short period of time during the lettuce harvesting season and the potato-digging season, both of which are now over, he is in a position to handle all requirements for movement of farm products, including potatoes. In his opinion, he cannot afford to lose business and maintain his trucks for service at peak times, and the efficiency of his operation will be impaired if service for the transportation of potatoes is authorized during any period except the digging season.

Superintendent Baker, of Rio Grande Motor Way, testified that the daily, except Sunday, service of Rio Grande Motor Way in combination with Weicker between Denver and points in the San Luis Valley is adequate; that under O.D.T. regulations, said companies are required to have loads before trucks can move, and in order to continue their daily service, it is necessary that they obtain all tonnage available to the Valley; that if Applegate is authorized to back-haul farm supplies, and procures any considerable volume, it will take freight from Weicker-Motor Way lines, and tend to impair the efficiency of their now adequate service.

It would seem that, at times, the common carriers by motor vehicle of livestock and farm products have had considerable difficulty in caring for the needs of the farmers in the community which applicant proposes to serve, as well as other communities served by the common carriers. This is through no fault of the carriers, and probably is a situation that, at present, cannot be corrected by them. Farmers have seeded more land, and have been producing more cattle, due to the demand for the products. On account of the war, farmers have been unable to get adequate help, which means they have been compelled to rely on for-hire carriers for more trucking service. Carriers have been unable to get enough trucks to handle the business, or to get adequate and prompt service for maintenance of their equipment. It is true that at this time the carriers think they will be able to care for transportation requirements, due to the fact that some livestock is being moved out of the territory, but when livestock now fattening on such fall crops as are available, and potatoes start moving to market, and livestock begins to move into the Valley, there will be a considerably enlarged demand for service. While all carriers who oppose the application are authorized to serve in the territory which applicant seeks to serve, their respective headquarters are some distance away. That is true, even though Walker maintains a truck at Saguache. Center is the center of a very extensive, rich and highly cultivated farm area. Crops are produced in volume, and farmers -- at least during the pendency of the war in which we are now engaged, should be able to obtain adequate service promptly. Applicant has only one truck, and stated that he did not intend to increase the number. Obviously, he will be in a position to furnish only local ser-

vice, and may be able to handle the same needs of the Center community which Mr. Walker has recognized exists in the Saguache community by placing a truck in Saguache. However, area to be served north of Center manifestly should be reduced because Saguache is nearer than Center to much of it. Same considerations also control other parts of territory.

We do not think a showing was made that service for movement of farm supplies from Pueblo, Colorado Springs, and Denver, is inadequate. Probably it would be desirable that applicant should be able to haul farm supplies between points in his pick-up area, and from Alamosa and Monte Vista. Such authority would enable him to move supplies for farmers from local supply points where most of their supplies are obtained, and where line haul service is not available. Also, it would mean that his equipment would not return from these points empty. On the contrary, if we allowed him to haul farm supplies from Pueblo, Colorado Springs and Denver, it might mean that the daily line haul service, as well as the trucks of Ashton, Postel and Walker, would move from the points with less loads than now handled. Under O.D.T. regulations, line haul carriers must have a certain volume of freight available before trucks can move, and it is essential that the Valley have regular daily line haul service. We do not think that the granting of a permit, limited to the use of one truck of the type and capacity now owned by applicant, viz. a 1940 one and one-half-ton Ford truck, to remain in force for the duration of the war and six months thereafter, will impair the efficiency of protestants' operations during that period, and we therefore find that permit, as hereinafter limited, should issue.

O R D E R

IT IS ORDERED:

That Hobert C. Applegate, Center, 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 livestock between points within the area extending seven miles west, ten miles east, ten miles north, and ten miles south of Center, and from and to points in said area, to and from Alamosa, Pueblo, Colorado Springs and Denver, and the transportation of farm products between points in the same area, and from points in said

area to Monte Vista and Alamosa, with the right to haul farm supplies between points in said pick-up area, and to back-haul farm supplies from Alamosa and Monte Vista, said authority to extend for the duration of the war and six months thereafter, only, with the right, however, granted to applicant if he desires to continue operations, to renew his application at or prior to that time, said applicant also to be limited in performing said service to the use of one truck of the type and capacity heretofore referred to which he now contemplates using.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Goverament.

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 November, 1943.

hs

(Decision No. 21583)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
NORTHERN PACKING CO.) PERMIT NO. C-4432
Ft. Collins,)
Colorado)

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Northern Packing Co., of Ft. Collins, Colorado, requesting that his Permit No. C-4432 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-4432, heretofore issued to Northern Packing Co. Ft. Collins, Colorado, be, and the same is hereby, declared cancelled effective October 21, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Edward E. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 1943

(Decision No. 21584)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
PERKINS-EPENETER PICKLE CO.) PERMIT NO. C-1103
P O Box 5202)
Denver, 17, Colorado)
)

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Perkins-Epeneter Pickle Co. of P O Box 5202 Denver, 17 Colo., requesting that his Permit No. C-1103 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-1103, heretofore issued to Perkins-Epeneter Pickle Co. P O Box 5202, Denver, 17, Colo., be, and the same is hereby, declared cancelled effective June 30, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomson

Edward E. Keller

Lucien Ericksen

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 1943

(Decision No. 21585)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GUNBARREL SERVICE STATION INC) PERMIT NO. C-4587
Monte Vista,)
Colorado)

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Gunbarrel Service Station Inc. of Monte Vista, Colorado, requesting that his Permit No. C-4587 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-4587, heretofore issued to Gunbarrel Service Station Inc. Monte Vista, Colorado, be, and the same is hereby, declared cancelled effective October 20, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Thorneau

Edward E. Keller

Malcolm Ericksen

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 1943.

(Decision No. 21586)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CLOYCE BEARD) PERMIT NO. C-6971
Minneola)
Kansas)

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Cloyce Beard of Minneola, Kansas, requesting that his Permit No. C-6971 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-6971, heretofore issued to Cloyce Beard, Minneola, Kansas, be, and the same is hereby, declared cancelled effective November 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Edward E. Keller

Malcom Ericksen

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 19 43

(Decision No. 21587)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. DONALD DOWIS)
108 So. 2nd St.)
Sterling, Colo.)
)

PERMIT NO. C-9047

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. DONALD DOWIS of 108 So. 2nd, Sterling, Colo., requesting that his Permit No. C-9047 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-9047, heretofore issued to R. Donald Dowis, 108 So. 2nd St. Sterling, Colorado, be, and the same is hereby, declared cancelled effective October 25, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Edward J. Mueller

Thomas Feiman

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 19 43

(Decision No. 21588)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FRED ROSS)
521 East 3rd)
Leadville, Colo.)
)

PERMIT NO. C-9985

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred Ross, 521 East 3rd, of Leadville, Colorado, requesting that his Permit No. C-9985 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-9985, heretofore issued to FRED ROSS, 521 East 3rd, Leadville, Colorado, be, and the same is hereby, declared cancelled effective January 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thoreson

Edward E. Bunker

Malcom Eriksson

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 19 43

(Decision No. 21589)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. V. Hallenbeck)
1114 W. 7th Ave.)
Denver, 4, Colo.)
)

PERMIT NO. C-10310

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. V. Hallenbeck of 1114 W 7th Ave, Denver, 4, Colo., requesting that his Permit No. C-10310 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-10310, heretofore issued to C. V. Hallenbeck, 1114 W 7th Ave, Denver, 4, Colorado be, and the same is hereby, declared cancelled effective October 28, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry P. Thorneau

/s/ Edward C. Keller

/s/ Malcom Ericksen

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 1943

(Decision No. 21590)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
DAVID ALGEE AND LEE SPARKS) PERMIT NO. C-13987
Box 186,)
Craig, Colorado)

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from David Algee and Lee Sparks of Box 186, Craig, Colorado, requesting that his Permit No. C-13987 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-13987, heretofore issued to David Algee and Lee Sparks, Box 186, Craig, Colorado, be, and the same is hereby, declared cancelled effective October 23, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry O. Shireman

Edward E. Keller

Malcolm Epis

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 1943

(Decision No. 21591)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ELIZABETH & JOE GARRAMONE) PERMIT NO. B-2696
2533 West 2nd .)
Denver, 9, Colorado.)
)

November 12, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elizabeth & Joe Garramone of 2533 West 2nd, Denver 9 Colo., requesting that his Permit No. B-2696 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-2696, heretofore issued to Elizabeth & Hoe Garramone, 2533 West 2nd, Denver 9 Colorado, be, and the same is hereby, declared cancelled effective October 24, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thoreau

Commissioners.

Dated at Denver, Colorado,

this 12th day of November, 1943

Original

(Decision No. 21592)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MOAD M. HORN, ECKERT, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6437-PP

November 10, 1943

Appearances: Moad M. Horn, Eckert, Colorado, pro se;
J. P. Helman, Esq., Grand Junction Colorado, for W. J. Marlow;
Groves and Banks, Esqs., Grand Junction, Colorado, for G. W. Hawthorne;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, except livestock, coal, gravel, and sand, between points within a radius of ten miles of Eckert, and from points in said area to Delta and Austin, and the transportation of fruit between points within a radius of seven miles of Palisade, during harvest season, only.

At the hearing, in Grand Junction, Colorado, on October 19, 1943, he stated that, in his opinion, his operation would not conflict with that of common carriers now serving the territory, although the territory mentioned includes the Towns of Cedaredge, Cory, Austin, Lazear, and Delta, as well as Eckert. He proposes to haul fruit from farms to sheds and markets in the area, most of it moving to Austin. He stated that he does not want to haul fruit between Eckert and Austin; that coal would move from mines to farms, and also to people residing in the towns included in the area. He admitted, that, in addition to the common carriers, Eldon Lee, Walter Boyd, other private carriers haul coal. He added that during the

harvest season eight to ten combines operated on the mesa; that two trucks were required to serve each combine; that much of the grain, besides moving to storage points on the farms of the respective farmers, moved to Delta; that, during the fruit harvest season, more trucks are required to serve the farmers than are required during the harvest of grain, since fruit is grown in volume and must be moved when ready. The grain harvest starts about August 1, the peach harvest about August 25, pears and other fruits being either earlier or later than said date. He also contended that if he were not granted authority, it would mean that people residing in his territory would patronize unauthorized carriers operating for hire; that over a period of years he had observed that "one district doesn't patronize another on trucking"; that Eckert is a distinct community, and the people in that community do not want to go to another community, even though it may be only three or four miles away, for service. He agreed that he would not perform any service in the territory of G. W. Hawthorne.

W. J. Marlow (PUC No. 1204), who is authorized to transport:

> fruit, farm products, livestock, coal, household furniture and building materials from point to point within a radius of fifty miles of Cedaredge, Colorado, provided he shall not make pickups or deliveries of less than truckloads along the route served by J. H. McCormick,

commented on applicant's customer list attached to the application. Marlow testified that he hauled for Austin Fruit, Gurling, Vick, and Ed Sorren during the 1943 season; that they were among his principal fruit haul customers; that he has two trucks, and can obtain an additional truck any time he needs one; that his gross revenue for 1942 amounted to Four Thousand Dollars, his expenses for the same period being Three Thousand Dollars; that he devotes all his time to the business, and employs one full-time driver; that compensation for his services and return on the investment amounted to only One Thousand Dollars for 1942; that Cedaredge, where he maintains headquarters, is distant only five miles from Eckert; that if the authority sought by applicant were granted and he obtains the amount of business which he proposes to obtain, as shown by his customer list, protestant's business

would be cut to the point where he would be compelled to go out of business; that Hart, with one truck, Boyd with four trucks, Lee with three trucks, Turner with one truck, and other carriers, haul coal in the area.

At this point, applicant stated that he would be willing to eliminate Austin Fruit, Gurling, Wick, and Ed Sorren from his list of customers. Protestant stated that such action would not help the situation materially, inasmuch as applicant would still have the right to add customers if the permit were granted, and if that we e done, definitely, it would put him out of business.

On March 19, 1943, in Decision No. 20647, we denied a similar application by applicant. The testimony was practically identical with the testimony offered at the hearing on the instant application. We there said:

> "Under the law, the Commission may not grant a private carrier permit if we determine that same would impair the service of a common carrier operation. In the instant case, we have only the testimony of applicant himself as to the need of his service. The testimony of protestant W. J. Marlow stands uncontroverted, and upon this record, we are compelled to deny the application."

Here, applicant failed to produce any testimony on the part of customers whom he contemplates serving that his service is required.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that common carrier service in the territory which applicant desires to serve is adequate; that the granting of the authority sought would impair the efficiency of the service of said common carrier operators, and that the permit sought should be denied.

O R D E R

IT IS ORDERED:

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

K. D. Newman

Edward J. Arn

Marion Ericson

Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1943.

hs

(Decision No. 21593)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES M. HASEGAWA, ROUTE 4, GRAND)
JUNCTION, COLORADO, FOR A CLASS "B") APPLICATION NO. 6466-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 10, 1943

Appearances: J. P. Helman, Esq., Grand Junction, Colorado, for W. J. Marlow.

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 tomatoes, onions, potatoes, apples, peaches and pears from point to point within a radius of one hundred fifty miles of Grand Junction, Colorado, over Highways Nos. U.S. 24 and 50.

Said application was set for hearing at 9:30 A.M., October 19, 1943, at Grand Junction, Colorado, due notice of the time and place of said hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel.

At the time and place designated for hearing, J. P. Helman, appearing in behalf of W. J. Marlow, moved that the application be dismissed for lack of prosecution, said motion being taken under advisement by the Commission.

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

O R D E R

IT IS ORDERED:

That the instant application be, and the same 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

Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1943.

(Decision No. 21594)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAJIME YOSHIDA, ROUTE 1, BOX 206,)
DELTA, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 6482-PP

November 10, 1943

Appearances: Hajime Yoshida, Delta, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Groves and Banks, Esqs., Grand Junction, Colorado, for G. W. Hawthorne;
J. P. Helman, Esq., Grand Junction, Colorado, for W. J. Marlow.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Grand Junction, Colorado, on October 19, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, except livestock, from farms within a radius of fifteen miles of Delta, Colorado, to warehouses, cellars and sorting sheds, within a radius of fifty miles of Delta, with the right to haul from shed to shed in said fifteen-mile area to fill a railroad car for shipment, specifically excluding service within or from or to points within a radius of ten miles of Cedaredge in competion with W. J. Marlow, and service between points on State Highway No. 141.

There was no objection to the granting of the authority sought.

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

After 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 Hajime Yoshida, Delta, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, except livestock, from farms within a radius of fifteen miles of Delta, Colorado, to warehouses, cellars and sorting sheds, within a radius of fifty miles of Delta, with the right to haul from shed to shed in said fifteen-mile area to fill a railroad car for shipment, specifically excluding service within or from or to points within a radius of ten miles of Cedaredge in competition with E. J. Marlowe, and service between points on State Highway No. 141.

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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thurman

Edward E. Creed

Walter Tinsman

Dated at Denver, Colorado
this 10th day of November, 1943.

hs

(Decision No. 21595)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF A. M. RICE, 2822 WEST STREET, PUEBLO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6506-PP

November 10, 1943.

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 Veto Mine and Shamrock Mine, near Florence, to Florence and Pueblo, 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 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 A. M. Rice, Pueblo, 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 from Veto Mine and Shamrock Mine, near Florence, to Florence and Pueblo, 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1943.

BH

(Decision No. 21596)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF JOE E. BERTA, RURAL ROUTE 1, CANON CITY, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2915 TO JOE J. BERTA, RURAL ROUTE 1, CANON CITY, COLORADO.

APPLICATION NO. 6306-PP-A

November 10, 1943.

S T A T E M E N T

By the Commission:

On April 3, 1943, by Decision No. 20724, Joe Berta, Canon City, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> coal between points within a radius of one hundred miles of Canon City, Colorado.

Said permit-holder now seeks authority to transfer said permit No. B-2915 to Joe J. Berta, Canon City, Colorado.

The record and files of the Commission fail to disclose any reason why said transfer should not be authorized.

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

After 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 Joe E. Berta, Canon City, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-2915 to Joe J. Berta, Canon City, 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 10th day of November, 1943.

BH

(Decision No. 21597)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
HOWARD HAULING COMPANY, 4001 JOSE-)
PHINE STREET, DENVER, COLORADO, FOR) APPLICATION NO. 6475-PP
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

November 10, 1943.

S T A T E M E N T

By the Commission:

Heretofore, Howard Hauling Company, Denver, Colorado, filed application with this Commission for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of buildings, cement pipe and road building equipment from point to point within a radius of one hundred and fifty miles of Denver, Colorado.

Said matter was set for hearing at Denver, Colorado, on October 14, 1943.

At the time and place designated for hearing, the Commission was requested to vacate said hearing, which request was granted.

The Commission is now in receipt of a communication from Julius Meer, attorney for applicant, stating that Howard Hauling Company does not desire to prosecute the application.

The Commission finds that said application should be dismissed.

O R D E R

IT IS ORDERED:

That the above-styled application 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 10th day of November, 1943.

BH

(Decision No. 21598)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JIM McMILLION)
RAGO,)
COLORADO)
)

PERMIT NO. C-11340

November 16, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jim McMillion of Rago, Colorado, requesting that his Permit No. C-11340 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-11340, heretofore issued to Jim McMillion, Rago, Colorado, be, and the same is hereby, declared cancelled effective October 12, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Brennan

Edward E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 16th day of November, 1943.

Original

(Decision No. 21599)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF MAURICE E. HILL, DOING BUSINESS AS "ENGLEWOOD CAB SERVICE," ENGLEWOOD, COLORADO, FOR AUTHORITY TO LEASE AND TRANSFER PUC NO. 675 TO JULIUS BUSSARD, DOING BUSINESS AS "BUSSARD TAXI SERVICE," 353 WEST MAIN STREET, LITTLETON, COLORADO.	APPLICATIONS NOS. 5875-A 2089-AB-AAA

November 12, 1943.

Appearances: Worth Allen, Esq., Denver, Colorado, for Maurice E. Hill;
Cecil R. Ditsch, Esq., Littleton, Colorado, for Julius Bussard.

S T A T E M E N T

By the Commission:

By Decision No. 4956, entered on March 10, 1933, as amended by Decisions Nos. 5002 and 5064, of date, respectively, April 26, 1933, and June 10, 1933, the Commission authorized Anna E. Kamholz to operate a common carrier taxi system by motor vehicle for the transportation of:

> passengers anywhere within the limits of the City of Englewood, Arapahoe County, Colorado, and between Englewood, Denver, Littleton, Sheridan, Petersburg, Fort Logan, and other points in the vicinity of Englewood, with the proviso that she should not transport "except between the hours of 12:30 o'clock A. M. and 6:00 o'clock A. M., any passengers to any points south of the point of the northern terminus of Denver and South Platte Transportation Company's line which are within five blocks of the route over which said company operates, unless these passengers originate at or are destined to points outside of the Town of Englewood," and shall charge for service within the City of Englewood and for service outside of the municipal limits of said City of Englewood, unless and until the charges are changed by authority of the Commission, the following rates:
>
> "ONE WAY FARES
>
> ALL CABS IN ENGLEWOOD:
>
> ZONE 1: Extending South from Englewood to Quincy Avenue, or East from Englewood to Marion Street, or North from Englewood to Yale Avenue, or West from Englewood to West side of Santa Fe Drive, 15¢ per passenger.

ZONE 2: From Englewood South to Union Avenue, 20¢ per passenger.

BETWEEN ENGLEWOOD AND BELLVIEW, 25¢ per passenger.

BETWEEN ENGLEWOOD AND LITTLETON, $1.00 per passenger, except leaving Englewood between 12:30 A.M. and 6:00 A.M. $1.00 per trip not exceeding 4 passengers in same car.

BETWEEN ENGLEWOOD AND DENVER, $1.00 per passenger.

BETWEEN ENGLEWOOD AND FORT LOGAN, 30¢ for 1 or 2 passengers and 15¢ for each additional passenger in same car.

BETWEEN FORT LOGAN AND DENVER, $1.25 per trip, not exceeding 4 passengers in same car.

BETWEEN ENGLEWOOD AND LORETTO HEIGHTS, 50¢ per trip, not exceeding 4 passengers in same car.

BETWEEN LORETTO HEIGHTS AND DENVER, $1.25 per trip, not exceeding 4 passengers in same car.

BETWEEN ENGLEWOOD AND FITZSIMONS GENERAL HOSPITAL, $4.00 per trip, not exceeding 4 passengers in same car.

$1.00 per hour waiting charge."

Thereafter, said Anna E. Kamholz, pursuant to authority granted in Decision No. 9480, transferred said certificate to V. E. Brown and E. C. Boyer, said V. E. Brown, by authority of the Commission contained in Decision No. 12393, on September 24, 1938, succeeding to the interest of E. C. Boyer in said operation.

Thereafter, said Brown, by authority of the Commission (Decision No. 15156), transferred said operating rights to Maurice E. Hill, doing business as "Englewood Cab Service," Englewood, Colorado.

On May 11, 1942, the Commission, by Decision No. 18830, authorized Maurice E. Hill to exercise franchise rights granted to him by the City of Englewood, Colorado, to engage in the transportation of passengers by motor vehicles on the streets of Englewood, as more particularly described in that certain Ordinance No. 1, Series 1942, which was enacted by the City of Englewood on February 9, 1942, said authority being made a part of Hill's operations under PUC No. 675.

Maurice E. Hill, doing business as "Englewood Cab Service," herein seeks authority to transfer, by lease and sale, said operating rights

and certain equipment, to Julius Bussard, doing business as "Bussard Taxi Service," Littleton, Colorado, said equipment and the terms of sale and purchase of said certificate and equipment and lease thereof pending consummation of sale, being set forth in detail in original copy of agreement between the parties, dated October 21, 1943, which was introduced in evidence as Exhibit No. 1 at the hearing in Denver, Colorado, on November 9, 1943, said agreement being made a part hereof by reference.

It there appears that the consideration for the sale and transfer of eight motor vehicles and certain office equipment is the sum of Eighteen Thousand Dollars ($18,000.00), $500.00 of which was paid at the time of signing the agreement, $8,500.00 is to be paid within five days after authority has been obtained from this Commission to lease and transfer said operating rights, and $9,000.00 to be paid on January 15, 1944. Bussard is to conduct the operation under lease until January 15, 1944.

It also appeared that there are no outstanding unpaid operating obligations owing by Hill; that transferee is ready, able, and willing, pecuniarily and otherwise, to carry on the operation.

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

O R D E R

IT IS ORDERED:

That Maurice E. Hill, doing business as "Englewood Cab Service," Englewood, Colorado, be, and he hereby is, authorized to lease and sell to Julius Bussard, doing business as "Bussard Taxi Service," Littleton, Colorado, the operating rights and equipment described in the agreement mentioned in foregoing Statement between said Hill and Bussard, of date October 21, 1943, upon the terms and conditions set forth in said agreement.

That the authority herein granted to acquire the operating rights of Hill, which were authorized by the City of Englewood in that certain Ordinance No. 1, Series 1942, which was enacted by the City of Englewood

on February 9, 1942, is granted subject to approval of transfer by the City Council of the City of Englewood.

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 as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of November, 1943.

BH

(Decision No. 21600)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MITCHEL TITUS)
115 Kenwood Dr.) PERMIT NO. C-14433
Pueblo Colo)
)

November 16, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mitchel Titus of 115 Kenwood Dr., Pueblo Colo., requesting that his Permit No. C-14433 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-14433, heretofore issued to Mitchel Titus, 115 Kenwood Dr. Pueblo, Colo., be, and the same is hereby, declared cancelled effective November 9, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 16th day of November, 19 43

(Decision No. 21601)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
TONY MEDIATE) PERMIT NO. C-7205
Rt 2 B ox 721)
Pueblo Colorado)
)

November 16, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tony Mediate of Rt. 2 Box 721, Pueblo Colo., requesting that his Permit No. C-7205 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-7205, heretofore issued to Tony Mediate, Rt. 2 Box 721, Pueblo, Colorado, be, and the same is hereby, declared cancelled effective October 7, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 16th day of November, 1943

(Decision No. 21602)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. R. STREET)
Ft. Collins,)
Colorado.)
)

PERMIT NO. C-10944

November 16, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. R. Street, of Ft. Collins, Colorado, requesting that his Permit No. C-10944 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-10944, heretofore issued to J. R. Street, Ft. Collins, Colorado be, and the same is hereby, declared cancelled effective November 6, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Harry [illegible]

/s/ Edward J. Keeler

/s/ Malcolm Ericson

Commissioners.

Dated at Denver, Colorado,

this 16th day of November, 1943

(Decision No. 21603)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOE CALMETT)
Rosita,) PERMIT NO. C-11198
Colorado.)
)

November 16, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Calmett of Rosita, Colorado, requesting that his Permit No. C-11198 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-11198, heretofore issued to Joe Calmett, Rosita, Colorado be, and the same is hereby, declared cancelled effective November 2, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 16th day of November, 19 43

(Decision No. 21604)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ROY JAMES) PERMIT NO. C-5371
515-10th St.)
Greeley Colorado)

November 16, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Roy James of 515-10th St., Greeley, Colo., requesting that his Permit No. C-5371 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-5371, heretofore issued to Roy James, 515-10th St., Greeley, Colorado, be, and the same is hereby, declared cancelled effective November 8, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Roeschley

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 16th day of November, 1943.

(Decision No. 21605)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JAMES RILEY) PERMIT NO. C-3730
Rt. 5,)
Grand Junction, Colo.)
)

November 16, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James Riley of Rt. 5, Grand Junction, Colo., requesting that his Permit No. C-3730 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-3730, heretofore issued to James Riley, Rt. 5, Grand Junction, Colo., be, and the same is hereby, declared cancelled effective November 8, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 16th day of November, 1943

(Decision No. 21606)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GOODBAR OIL CO.)
p o Box 524,)
Colorado Springs, Colo/)
)

PERMIT NO. C-2236

November 16, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Goodbar Oil Co. of P O Box 524, Colorado Springs, Colo requesting that his Permit No. C-2236 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-2236, heretofore issued to Goodbar Oil Co., P O Box 524, Colorado Springs, Colo., be, and the same is hereby, declared cancelled effective January 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward C. Johnson

Edward J. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 16th day of November 1943, 19

Original

(Decision No. 21607)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF OLIVER L. BUCKINGHAM, GLEN O. BUCKINGHAM, HAROLD D. BUCKINGHAM, AND EARL F. BUCKINGHAM, DOING BUSINESS AS "BUCKINGHAM TRANSPORTATION COMPANY", RAPID CITY, SOUTH DAKOTA, TO LEASE AND SELL PUC NO. 546 TO PAUL HICKMAN, DOING BUSINESS AS "YUMA COUNTY TRANSPORTATION COMPANY", YUMA, COLORADO

APPLICATIONS NOS. 844-AA-AA, 1011-AA-A, 1436-AB-AA, 1836-AA-A, 1915-AA-A.

November 16, 1943

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Northeastern Motor Freight and Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
E. F. Anderson, Akron, Colorado, pro se.

STATEMENT

By the Commission:

On October 11, 1928, Decision No. 1951, Application No. 1011, C. H. Woodin was authorized to transport:

> freight between Akron and Sterling and intermediate points; agricultural products, including livestock, only from a territory extending thirty miles south, ten miles east, fifteen miles north and ten miles west from the Town of Akron into the Town of Akron, and from said territory directly into Sterling.

On March 7, 1930, Decision No. 4772, Application No. 1436, C. H. Woodin was authorized to transport:

> freight between Sterling, Otis, Yuma, Eckley, Wray, and intermediate points.

On August 23, 1929, Decision No. 2446, Application No. 844, Dale Resler was granted authority to transport:

> freight from Akron to Denver, and from Denver to Akron, but not between any intermediate points; furniture and agricultural products, including livestock, from and to a certain territory described from Akron as follows: south thirty miles, east ten miles, north fifteen miles, west ten miles, and from said territory directly into Denver and return.

On October 4, 1930, Decision No. 3034, Application No. 844-A, the certificate issued to Dale Resler was transferred to C. H. Woodin.

On October 16, 1931, Decision No. 3699, Application No. 1836, C. H. Woodin was authorized to transport:

> freight between Denver, Colorado, and Wray, Colorado.

On June 20, 1932, Application No. 2030-I, C. H. Woodin was granted authority to transport:

> freight between Denver, Sterling, Akron and Wray, Colorado, and the Colorado-Nebraska State Line where State Highway No. 54, east of Wray, crosses same, and between intermediate points and said line, in interstate commerce.

On January 8, 1935 in Decision No. 6130, all of the above authorities were transferred from C. H. Woodin to R. H. Woods, doing business as "Woods Truck Line."

On August 17, 1937, by Decision No. 10493, our Decision No. 6130 was amended to include the transfer to Woods from Woodin of the certificate granted in Application No. 1913, on February 17, 1932, which authorized the transportation of:

> freight and merchandise, generally, between Akron and Wray (on the one hand) and (on the other) various points in the State of Colorado, on call and demand.

On December 2, 1939, Decision No. 14416, Application No. 1438-AB, R. H. Woods was authorized to extend his operations to include the transportation of:

> freight in intrastate commerce between the City of Denver, Colorado, and the Towns of Otis, Yuma and Eckley, and between Brush, Colorado, and all points east thereof on U.S. Highway No. 34 (which is through Akron and Wray.)

On February 3, 1943, by Decision No. 20445, the Commission authorized Bessie I. Woods, as Administratrix of the will and estate of Ralph H. Woods, deceased, to transfer said operating rights to Oliver L.

Buckingham, Glen O. Buckingham, Harold D. Buckingham, and Earl F. Buckingham, co-partners, doing business as "Buckingham Transportation Company," she having theretofore sold the same to said transferees by authority of, and under the direction of, the Probate Court of Adams County, Hastings, Nebraska. Said transfer was duly consummated, and operations since said time have been conducted by transferees under certificate of public convenience and necessity No. 540.

Transferors now ask that the Commission approve a certain "Lease and Option to Purchase" agreement, dated September 15, 1943, which is attached to their application filed on September 16, 1943, to lease and sell said operating rights to Paul Hickman, doing business as "Yuma County Transportation Company."

The matter was heard in Denver, Colorado, on September 28, 1943. It there appeared that transferors propose to lease said operating rights and two trucks to transferee for a monthly rental of One Hundred Dollars, transferee, at his option, to have the right to purchase the operating rights and equipment at any time within a period of three years from September 15, 1943 for the sum of Thirty-Six Hundred Dollars, it being further provided that in the event of purchase, monthly payments made by transferee are to be credited on the purchase price, he, however, to pay interest at six percent per annum on unpaid balances up to time of exercise of option. Purchase price, if purchaser so elects, may be paid in payments of One Hundred Dollars per month until the total purchase price has been paid.

It also appeared that Buckingham Transportation Company operates extensively interstate; that the local operations which they seek to transfer have not combined satisfactorily with their interstate operations, and on that account, they desire to lease or sell to transferee, Paul Hickman, who for a number of years, has been engaged in for-hire service by truck as a common carrier, call and demand operator, and as a line haul carrier, under Permit No. A-330, which authorizes the transportation of:

> freight between Denver and Wray and intermediate points; from Denver to Holyoke; from Sterling, via Kelly and Otis; to Wray and Yuma, for Safeway, Piggly Wiggly and McMarr Companies, only, and

transportation for the Safeway Stores System, only, of such general merchandise as may originate in Sterling, Brush or Wray, from Wray to Burlington, via Colorado Highway No. 51, or via Highways Nos. 54 and 40 through St. Francis and Goodland, Kansas.

Since under our rules, a for-hire carrier cannot operate as a Common Carrier and Private Carrier with the same equipment at the same time, and since his authority under Permit No. A-339, in part, is duplicated by the authority he will acquire under the certificate to be transferred by lease or sale, Mr. Hickman agreed that all authority under the "A" permit which duplicates authority to be acquired under the certificate shall be suspended, pending consummation of lease and purchase agreement. If sale is consummated, then that part of the authority under the "A" permit which conflicts with the authority under the certificate is to be cancelled by the Commission.

Mr. E. F. Anderson, PUC No. 577, opposed the transfer of the call and demand operating rights which were first acquired by Woodin and Resler, and later were acquired by Woods, upon the ground that said rights had never been exercised by Woods or Buckingham, but had been abandoned. He stated that at the time Woods acquired the call and demand authority, he informed Anderson that he did not want to furnish said service and asked him to acquire authority to operate as a common carrier with the same rights, so that the public needs would be satisfied. Leamon Resler, who also operates over the same route between Brush and Wray, joined in the request. Thereupon he applied to the Commission, and received a certificate to operate as a call and demand carrier, and has engaged in said business for a period of nine or ten years, has made a considerable investment, and has satisfied the needs and requirements of his community; that, in his opinion, it would be unjust for Hickman to now inaugurate a similar operation, especially when his authority to so do would be based on an operating right which, in the opinion of Anderson, has been abandoned and should be cancelled.

Mr. Buckingham stated that he had not performed any call and demand operations under the certificate since he acquired it. Mr. Hickman stated that he wanted to acquire all operating rights to which transferors

were entitled, although he did not contemplate engaging in the transportation of stock under the certificate extensively, he already having a call and demand authority under his certificate in the territory around Yuma.

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

It also appeared that there are no outstanding unpaid operating obligations.

Our Rule No. 11 of rules and regulations governing operation of motor vehicle carriers for hire, being Fourth Revised General Order No. 39, provides:

> "(a) No motor vehicle carrier having received from the Commission a certificate of public convenience and necessity shall abandon operation thereunder without first making application in writing to the Commission for permission so to do, and submitting evidence, giving reasons for same, and receiving an order based thereon, permitting such discontinuance and revoking and cancelling said certificate.
>
> "(b) Discontinuance of service for a period of five consecutive days without written notice to and approval by the Commission shall be deemed a forfeiture of all rights secured under and by virtue of order or permission to operate issued by the Commission; provided, however, that the Commission may permit the resumption of operation after five such days on proper showing that the carrier was not responsible for failure to give service.
>
> "PROVIDED, however, that the provisions of sub-paragraph (b) of this Rule shall not apply to motor vehicle carriers whose certificates authorize the transportation of passengers or property over irregular routes on call and demand, nor to motor vehicle carriers engaged in sightseeing, taxi, or seasonal operations. Carriers engaged in seasonal operations shall notify the Commission in writing within five (5) days before the commencement and close of the period for which such seasonal service is rendered."

Under the rule, we cannot cancel the authority to serve on call and demand. However, it does not seem to be equitable, in view of the testimony of Anderson and Buckingham, to allow the call and demand authority to be transferred, and thereby permit transferee, in effect, to institute a new operation in a territory that is being adequately served and

where we repeatedly have denied applications for institution of service competitive with that of Anderson on the ground that the service is adequate, and, in the case of private carrier applications, on the ground, that granting additional authority in the territory will tend to impair the efficiency of the Anderson service.

On a number of occasions in the past, we have held that where a certificate-holder is authorized under his certificate to perform call and demand and line haul service, he may transfer the one and retain the other. Since under these decisions the authority is severable, we believe that here the operating rights should be separated, transferor should be authorized to transfer the line haul service, and that application to transfer call and demand service should be denied. If that is done, Mr. Anderson or the Commission, or other interested parties, can institute suitable proceedings to determine whether said call and demand authority should or should not be cancelled.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought to transfer the operating rights granted in the decisions heretofore set forth, insofar as they authorize line haul operations, only, should be granted, and that the authority sought, insofar as it relates to call and demand service, should be denied.

O R D E R

IT IS ORDERED:

That Oliver L. Buckingham, Glen O. Buckingham, Harold D. Buckingham, and Earl F. Buckingham, doing business as "Buckingham Transportation Company", Rapid City, South Dakota, be, and they hereby are, authorized to lease and sell to Paul Hickman, doing business as "Yuma County Transportation Company", Yuma, Colorado, upon the terms set forth in the "Lease and Option to Purchase" agreement dated September 15, 1948 attached to the application, reference to which is hereby made, the operating rights granted

in Decision No. 1951, (Application No. 1011), insofar as they authorize the transportation of freight between Akron and Sterling and intermediate points, the operating rights granted in Decision No. 2772 (Application No. 1436), the operating rights granted in Decision No. 2446, (Application No. 844), insofar as that decision authorizes the transportation of freight from Akron to Denver, and from Denver to Akron, but not between any intermediate points, the operating rights granted in Decision No. 3699, (Application No. 1836), the operating rights granted on June 20, 1932 in Application No. 2030-I, and the authority granted in Decision No. 14416 (Application No. 1436-AB), and that authority to transfer the call and demand operations authorized in said Decision No. 1951 (Application No. 1011), Decision No. 2446 (Application No. 844), and Decisions Nos. 10493 and 6130 (Application No. 1913) be, and the same hereby is denied.

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 all operations by said Hickman under lease or as owner, in the event of transfer of this certificate, shall be conducted in strict compliance with our findings and Order in Decisions Nos. 18158 and 21234.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

K D Thomas

Edward D. Jones

Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1943.

hs

Original

(Decision No. 21600)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY A. TAYLOR, 3417 SOUTH BROADWAY, ENGLEWOOD, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 681 TO NAOMI TAYLOR, 3417 SOUTH BROADWAY, ENGLEWOOD, COLORADO.

APPLICATION NO. 2083-B-AA

November 17, 1943

Appearances: C. C. Conant, Esq., Englewood, Colorado, for applicants; Julius Bussard, 353 W. Main St., Littleton, Colorado, pro se.

S T A T E M E N T

By the Commission:

Harry A. Taylor is the owner of certificate of public convenience and necessity No. 681 heretofore issued to him in Application No. 2083, which authorizes the operation of certain taxicab and bus service in the town of Englewood, and between Englewood and certain other designated points.

The instant application, which seeks authority to transfer title to said certificate from the said Harry A. Taylor to Naomi Taylor, was heard in Denver on November 9, 1943.

The evidence disclosed that the said Harry A. Taylor is now in the armed service of the United States and desires to transfer this certificate to his mother, Naomi Taylor, so that she will be in position to handle the business affairs in connection therewith during his absence.

It was further disclosed that no outstanding obligations exist against the operations under said certificate by the said Harry A. Taylor, and it was also disclosed that said certificate is presently under lease to one Julius Bussard, who is now operating the same. Said lease was approved by the Commission on November 7, 1942, in Application No. 2083-BA, Decision No. 19975. The present transfer will in no way change any of the terms or conditions of said lease.

The financial standing of transferee, as disclosed by an exhibit filed with the Commission, shows a net worth of approximately $10,000.00.

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

After careful consideration of the record, the Commission is of the opinion, and so finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Harry A. Taylor, doing business as Harry's Cab Service, be, and he is hereby, authorized to transfer all of his right, title and interest in and to certificate of public convenience and necessity No. 681 to Naomi Taylor, subject, however, to all rights of Julius Bussard, as Lessee of said certificate under Lease Agreement dated October 28, 1942, and approved by the Commission November 7, 1942.

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 17th day of November, 1943.

hs

(Decision No. 21809)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL F. SILER, DOING BUSINESS AS SILER DRILLING COMPANY, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 6270

November 17, 1943

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Duffy Storage and Transfer Company and Gallagher Transfer and Storage Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Art Brooks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association.

STATEMENT

By the Commission:

On October 23, 1943, Decision No. 21478, the Commission entered its order granting applicant a certificate of public convenience and necessity authorizing certain motor vehicle service within the State of Colorado. Said order provided that in the event applicant accepted same, his private permit No. B -953 should be cancelled. Said private permit covers greater authority than was granted under the certificate.

A written refusal to accept said certificate has now been filed with the Commission, with a request that the instant application be dismissed.

After 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 of October 23, 1943, in the instant matter be, and the same is hereby, set aside, and said application be, and the same is hereby, dismissed at the request of applicant.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of November, 1943.

hs

(Decision No. 21610)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF PAUL HICKMAN, DOING BUSINESS AS YUMA COUNTY TRANSPORTATION COMPANY, YUMA, COLORADO, PRIVATE CARRIER PERMIT NO. A-339.

CASE NO. 4886

November 17, 1943

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

S T A T E M E N T

By the Commission:

The instant case stemmed from a show cause order issued November 19, 1941, alleging that respondent was violating the provisions of Permit No. A-339 by serving more customers than allowed under the order granting said permit, and operating as a common carrier under the guise of a private carrier permit. Hearing was held in Denver, Colorado, on March 24, 1942.

The evidence disclosed that respondent had a customer list on file of between 400 and 500 individuals. However, it was brought out that this included both consignors and consignees, that many duplications occurred, and further that these customer lists had been approved by employees of the Commission.

The charge that respondent was operating outside of the authority of his permit was not sustained by the record.

As we pointed out in Case No. 4880, Decision 20644 -

> "The Commission has heretofore, in Case No. 4827, considered the question of revision of its Rules and Regulations Governing Private Carriers, and several hearings in connection therewith have been held. Due to the outbreak of the war and the resultant demands on all classes of transportation service, we have deemed it unwise to complete

> our investigation of said private carrier rules and regulations at the present time, and perhaps not until normal conditions once more return in the motor truck transportation industry. Therefore, in the instant case, we will not pass upon the question of whether, under the law and our presently established rules and regulations governing private carriers, respondent has, as a matter of fact, been operating as a common carrier. However, this action is not to be construed to mean that we are, in any way, relaxing the law or our presently established rules and regulations."

It would appear that the same reasoning would apply to the instant case.

It further appears that considerable time has elapsed since the hearing and no further complaints relative to the operations of respondent have been received.

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 17th day of November, 1943.

hs

(Decision No. 21611)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FLOYD KESSELL, 325 EAST FIFTH ST., DES MOINES, IOWA, FOR AUTHORITY TO TRANSFER PUC NO. 1457-I TO FLOYD KESSELL, CARRIE A. KESSELL, BEVERLY KESSELL, AND NONA MARIE KESSELL, 325 EAST FIFTH STREET, DES MOINES, IOWA.

PUC NO. 1457-I

November 19, 1943

S T A T E M E N T

By the Commission:

Heretofore, Floyd Kessell, Des Moines, Iowa, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle in interstate commerce, and PUC No. 1457-I issued to him.

Said certificate-holder now seeks authority to transfer said certificate to Floyd Kessell, Carrie A. Kessell, Beverly Ann Kessell, and Nona Marie Kessell, a partnership, Des Moines, Iowa.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

After 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 Floyd Kessell, Des Moines, Iowa, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1457-I to Floyd Kessell, Carrie A. Kessell, Beverly Ann Kessell, and Nona Marie Kessell, a partnership, Des Moines, Iowa, subject to the provisions of the Federal Motor Carrier Act of 1935.

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 November, 1943.

mw

(Decision No. 21612)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DILMAN MILLER, 419 WEST SECOND ST.,)
PUEBLO, COLORADO, FOR A CLASS "B") APPLICATION NO. 6508-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 19, 1943

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 and slack from mines in the Canon City-Florence coal fields, in Fremont County, to railheads in Florence, Colorado, to coal dealer in Pueblo, Colorado, and to the Pueblo Air Base.

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 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 Dilman Miller, Pueblo, 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 slack from mines in the Canon City-Florence coal fields, in Fremont County, to railheads in Florence, Colorado, to coal dealer in Pueblo, Colorado, and to the Pueblo Air Base.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 November, 1943.

mw

(Decision No. 21613)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ADELINE WHERRY, JACK C. WHERRY, AND)
MARTIN J. TITTES, 4949 ELIOTT ST.,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6509-PP
PERMIT TO OPERATE AS PRIVATE)
CARRIERS BY MOTOR VEHICLE FOR HIRE.)

November 19, 1943

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of sand, gravel, rock, dirt, 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.

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 applicants, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

After 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 Adeline Wherry, Jack C. Wherry, and Martin J. Tittes, Denver, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of sand, gravel, rock, dirt, 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.

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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

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

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 November, 1943.

mw

(Decision No. 21614)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. A. MEAD, WHEATLAND, WYOMING, FOR AUTHORITY TO TRANSFER PERMIT NO. A-514-I TO J. H. NICKERSON, WHEATLAND, WYOMING.

PERMIT NO. A-514-I

November 19, 1943

S T A T E M E N T

By the Commission:

Heretofore, E. A. Mead, Wheatland, Wyoming, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle for hire in interstate commerce, and Permit No. A-514-I issued to him.

Said permit-holder now seeks authority to transfer said permit, No. A-514-I, to J. H. Nickerson, Wheatland, Wyoming.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

After 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 E. A. Mead, Wheatland, Wyoming, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-514-I to J. H. Nickerson, Wheatland, Wyoming, subject to the provisions of the Federal Motor Carrier Act of 1935.

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 November, 1943.

mw

(Decision No. 21615)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF VERNON C. VAN DERHULE, DOING BUSINESS AS "VAN DERHULE TRANSFER AND STORAGE CO.", 100 DOUGLAS AVENUE, YANKTON, SOUTH DAKOTA, FOR AUTHORITY TO TRANSFER PUC NO. 1535-I TO MABELLE VAN DERHULE AND MILFORD C. VANDERHULE, DOING BUSINESS AS "VAN DERHULE TRANSFER & STORAGE COMPANY", 100 DOUGLAS STREET, YANKTON, SOUTH DAKOTA.

PUC NO. 1535-I

November 19, 1943.

S T A T E M E N T

By the Commission:

Heretofore, Vernon C. Van Derhule, doing business as "Van Derhule Transfer & Storage Company", Yankton, South Dakota, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier in interstate commerce by motor vehicle, and PUC No. 1535-I issued to him.

Said certificate-holder now seeks authority to transfer said operating right to Mabelle Van Derhule and Milford C. Van Derhule, doing business as "Van Derhule Transfer & Storage Company", Yankton, South Dakota.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

After 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 Vernon C. Van Derhule, doing business as "VanDerhule Transfer and Storage Company", Yankton, South Dakota, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1535-I to

Mabelle VanDerhule and Milford C. VanDerhule, doing business as "VanDerhule Transfer & Storage Company", Yankton, South Dakota, subject to the provisions of the Federal Motor Carrier Act of 1935.

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 November, 1943.

BH

(Decision No. 21616)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF HERBERT HENRIKSON, DOING BUSINESS AS COLORADO-WYOMING EXPRESS, 2232 LAWRENCE STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 542-I TO THE GALLAGHER TRANSFER AND STORAGE COMPANY, 2424 ARAPAHOE ST., DENVER, COLORADO.	)	APPLICATION NO. 1735-BA PUC NO. 542-I

Nov. 19, 1943.

S T A T E M E N T

By the Commission:

Heretofore, Herbert Henrikson, doing business as "Colorado-Wyoming Express," Denver, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle in interstate commerce, and PUC No. 542-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to The Gallagher Transfer and Storage Company, Denver, Colorado.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

After 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 Herbert Henrikson, doing business as "Colorado-Wyoming Express," Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 542-I to The Gallagher Transfer and Storage Company, Denver, Colorado, subject to the provisions of the Federal Motor Carrier Act of 1935.

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 November, 1943.

BH

(Decision No. 21617)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. H. Rogers,)
3254 W Fairview Pl.) PERMIT NO. C-4167
Denver, 11, Colorado)
)

November 20, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. H. Rogers of 3254 W Fairview, Pl. Denver 11, Colo. requesting that his Permit No. C-4167 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-4167, heretofore issued to G. H. Rogers, 3254 W Fairview Pl. Denver, 11, Colo., be, and the same is hereby, declared cancelled effective November 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 20th day of November, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MULKEY TRANSFER & STORAGE CO)
303 Kansas Ave) P U C No. 445
Walsenburg, Colo.)

November 20, 1943.

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 P U C Number 445 be suspended for a period of six months from October 1, 1943.

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 ORDERED:

That Mulkey Transfer & Storage Co. 303 Kansas Ave., Walsenburg, Colorado be, and it is hereby, authorized to suspend its operations under Certificate No. 445 for a period of not to exceed six months from October 1, 1943.

That unless said Mulkey Transfer & Storage Co. shall, prior to the 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 Certificate holders, said Certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keller

Malcolm Erickson

Commissioners

Dated at Denver, Colorado
this 20th day of November 1943.

(Decision No. 21619)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MRS. H. G. HILDAHL)
Longmont)
Colorado.)

PRIVATE PERMIT NO. A-853

November 20, 1943.

S T A T E M E N T

By the Commission:

The Commission is in rec ipt of a communication from the above named permittee, requesting that Permit No. A-853 be suspended for a period of six months from November 3, 1943.

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 ORDERED:

That Mrs. H. G. Hildahl, of Longmont, Colorado, be, and she is hereby, authorized to suspend her operations under Permit A-853, for a period of not to exceed six months from November 3, 1943.

That unless said Mrs. H. G. Hildahl shall, prior to the 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 Commissionm shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keller

Malcom Erickson

Commissioners.

Dated this 20th day of November 1943
at Denver, Colorado

(Decision 21620)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Geo. H. Rogers,)
3254 W Fairview Pl.) PRIVATE PERMIT NO. B-1484
Denver, 11, Colorado)

November 20, 1943.

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 Permit No. B-1484 be suspended for a period of six months from No vember 9, 1943.

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 ORDERED:

That Geo. H. Rogers of 3254 W Fairview Pl. Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-1484 for a period of not to exceed six months from November 9, 1943.

That unless said Geo. H. Rogers shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 20th day of November, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JIM McMILLION)
Rago)
Colorado)

PRIVATE PERMIT NO. A-2336

November 20, 1943.

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 Permit No. A-2336 be suspended for a period of six months from October 12, 1943.

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 ORDERED:

That Jim McMillion of Rago, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. A-2336 for a period of not to exceed six months from October 12, 1943.

That unless said Jim McMillion shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 20th day of November 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JIM McMILLION) PRIVATE PERMIT NO. B-2921
Rago)
Colorado.)

November 20, 1943.

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 Permit No. B-2921 be suspended for a period of six months from October 12, 1943.

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 ORDERED:

That Jim McMillion, of Rago, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-2921 for a period of not to exceed six months from October 12, 1943.

That unless said Jim McMillion shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado
this 20th day of November 1943.

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD HAYES, COLORADO SPRINGS,) APPLICATIONS NOS. 849-AA
COLORADO.) 584-AA
- - - - - - - - - - - - - - - - - - - SUPPLEMENTAL ORDER

- - - - - - - - - -
November 19, 1943
- - - - - - - - - -

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants:
J. A. Carruthers, Esq., Colorado Springs, Colorado, for Yellow Cab Company;
Strachan and Horn, Esqs., Colorado Springs, Colorado, and
Ralph L. Carr, Esq., Denver, Colorado, for Colorado Springs Bus Company.

S T A T E M E N T

By the Commission:

On September 11, 1941, by Decision No. 17622, Richard Hayes was authorized to acquire from Cora I. James, Administratrix of the Estate of Morgan F. James, deceased, the right to operate one car in sightseeing and auto livery service.

The transfer was not completed, and subsequently, application having been filed by said Cora E. James to transfer said operating rights to Thomas L. Reasoner, said authority was vacated, and said Cora E. James was authorized to transfer said operating right to said Thomas L. Reasoner.

The transfer was duly consummated, and said Thomas L. Reasoner, of record, is now holder and owner of said operating right.

On May 21, 1943, said Richard Hayes filed application to reinstate said Decision No. 17622, and to allow the completion of said transfer therein authorized, and when said transfer is completed, to suspend the operating right for the duration of the war, with the privilege of reinstatement, upon request.

In view of the facts aforesaid, said operating right now being the property of Thomas L. Reasoner, the Commission is of the opinion, and finds, that said application of Richard Hayes, filed May 21, 1943, should be denied.

O R D E R

IT IS ORDERED:

That said application of Richard Hayes, filed May 21, 1943, should be, and the same 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 19th day of November, 1943.

hs

(Decision No. 21624)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN HALBUR, 1618 KENDALL STREET,)
LAKEWOOD, COLORADO, FOR A CLASS "B") APPLICATION NO. 6505-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

* * * * * * * * *
November 19, 1943
* * * * * * * * *

Appearances: John Halbur, Lakewood, Colorado, pro se;
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:

The above-styled matter was heard in Denver, Colorado, on November 16, 1943.

It there appeared that applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, except livestock, from farms in Washington County to storage points and markets in said county, during harvest season,only, and building materials between points in Arapahoe, Denver and Jefferson Counties.

The evidence disclosed that applicant, from time to time, is employed as a laborer on construction jobs in Arapahoe, Denver, and Jefferson Counties, chiefly for small contractors who engage in building garages, small houses, etc.; that, occasionally, his employers need sand, gravel, cement, building blocks (used and new), lumber (new and second-hand), and other building materials in small quantities to complete a job; that most of said work is in the nature of an emergency service; that quantities to be handled are comparatively light in volume, and can be handled in a pick-up truck; that he has a pick-up truck of 3/4-ton capacity, which he proposes to use for said transportation work, and is willing that his service be limited to the use of similar equipment.

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

While the Commission cannot authorize applicant to perform such service in Denver County, inasmuch as some building materials may move from Denver County to points in Arapahoe and Jefferson Counties, we believe he should be authorized to serve in the area, generally.

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

O R D E R

IT IS ORDERED:

That John Halbur, Lakewood, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, except livestock, during harvest season, only, from farms in Washington County to storage points and markets in said county; building materials between points in Arapahoe, Denver, and Jefferson Counties for contractors by whom he is employed as a laborer, his equipment in the performance of said service to be limited to the use of one 3/4-ton pick-up truck.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 November, 1943.

hs

(Decision No. 21625)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. W. PROCTOR, KEENESBURG, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6504-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

November 19, 1943

S T A T E M E N T

By the Commission:

On October 25, 1943, the above-styled application was filed by A. W. Proctor, who seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, including livestock, between points within a radius of fifteen miles of Keenesburg, Colorado, and from and to points in said area, to and from Denver, Colorado.

Notwithstanding due notice of the time and place of hearing was forwarded to applicant and all carriers with whom he might compete, neither applicant nor competing carriers appeared at the hearing.

Thereupon, the matter was heard in Denver, Colorado, on November 16, 1943, in the absence of applicant and possible protestants. The files were made a part of the record, and the matter was taken under advisement.

In view of the fact that practically all areas of the state do not have adequate for-hire transportation service to and from farms, and the Commission is desirous of insuring satisfactory transportation service for the movement of farm commodities, it would seem that the application should be granted.

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

After 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 A. W. Proctor, Keenesburg, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, including livestock, between points within a radius of fifteen miles of Keenesburg, Colorado, and from and to points in said area, to and from 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 November, 1943.

hs

(Decision No. 21626)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM J. THURNER AND FRANK THURNER, DOING BUSINESS AS "WILLIAM J. THURNER," 521 WEST FIRST STREET, TRINIDAD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6496-PP

November 19, 1943

Appearances: William J. Thurner, Trinidad, Colorado, pro se;
Frank Thurner, Trinidad, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of coal from mines in Las Animas County to Trinidad and points within a radius of ten miles thereof, and to the City Reservoir, at Madrid, Colorado.

The matter was heard at Trinidad, Colorado, on November 12, 1943, no one appearing in opposition to the granting of the authority sought.

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

After 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 William J. Thurner and Frank Thurner, co-partners, doing business as "William J. Thurner," Trinidad, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of coal from mines in Las Animas County to Trinidad and points within a radius of ten miles thereof, and

to the City Reservoir, at Madrid, 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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 November, 1943.

mw

(Decision No. 21627)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF BROWN CONSTRUCTION COMPANY.) PERMIT NO. C-14194

November 10, 1943

S T A T E M E N T

By the Commission:

On January 29, 1943, Decision No. 20374, the Commission entered an order cancelling the above numbered permit at the request of the Brown Construction Company, owner of said permit.

The Commission is now in receipt of a communication requesting reinstatement of said permit. The records of the Commission show that a certificate of insurance was filed on January 7, 1943, which is still effective.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14194 be, and the same hereby is, reinstated as of the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1943

JH

(Decision No. 21628)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF NESTOR MESTAS, HOEHNE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6497-PP

November 20, 1943.

Appearances: Nestor Mestas, Hoehne, Colorado, pro se.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Trinidad, Colorado, on November 12, 1943, applicant, Nestor Mestas, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products between points in the area within a radius of ten miles of Hoehne, Colorado, and from points in said area to markets within a radius of fifty miles thereof, with back-haul of coal from mines in the Las Animas and Huerfano Counties, and water from Trinidad to Hoehne and points in said ten-mile area.

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

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

After 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 Nestor Mestas, Hoehne, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products between points in the area within a radius of ten miles of Hoehne, Colorado, and from points in said area

to markets within a radius of fifty miles thereof, with back-haul of coal from mines in Las Animas and Huerfano Counties, and water from Trinidad to Hoehne and points in said ten-mile 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

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 November, 1943.

BH

(Decision No. 21629)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF ADOLFO CHAVEZ, WESTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6500-PP

November 20, 1943.

Appearances: Adolfo Chavez, Weston, 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 timber and timber products from forests and sawmills within a radius of fifty miles of Weston, Colorado, to mines and sawmills in said area, and farm products, including livestock, farm supplies, used machinery and equipment, between points within a radius of fifteen miles of Weston, Colorado, without the right to haul commodities ordinarily handled by line haul carriers between points served by Sandoval Truck Line on State Highways Nos. 12 and 111, in competition therewith.

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.

It also appeared that, primarily, applicant intends to devote his time to the transportation of timber and timber products for the Colorado Fuel and Iron Corporation and its subsidiaries; that Weston, Stonewall, and Tercio are communities chiefly engaged in ranching and livestock production; that they are without resident carriers for hire; that carriers must be obtained from Trinidad, Aguilar, or more distant points; that local service from time to time, is urgently required by the farmers whom applicant expects

to obtain as customers.

After 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 Adolfo Chavez, Weston, 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 timber and timber products from forests and sawmills within a radius of fifty miles of Weston, Colorado, to mines and sawmills in said area; farm products, including livestock, farm supplies, used machinery and equipment, between points within a radius of fifteen miles of Weston, Colorado, without the right to haul commodities ordinarily handled by line haul carriers between points served by Sandoval Truck Line on State Highways Nos. 12 and 111, in competition therewith.

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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

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 November, 1943.

BH

(Decision No. 21630)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
MARTIN MIKELSON AND MIKELSON BROS.,)
DOING BUSINESS AS FRANKTOWN TRUCK) APPLICATION NO. 307-AAA-AA-BBB
LINE, CASTLE ROCK, COLORADO, FOR AN)
EXTENSION OF PUC NO. 202.)

Nov. 20, 1943.

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for the applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek to extend their authority under their certificate of public convenience and necessity (PUC No. 202) to include the right to transport sand, gravel, and other road surfacing materials, from pits and supply points (except pits and supply points in Boulder, Clear Creek and Gilpin Counties) within a radius of 75 miles of Denver, to the plant of the General Iron Works near Denver.

At the hearing in Denver, Colorado, on November 16, 1943, it developed that applicants, for a considerable period of time, have been hauling sand from a pit near Larkspur, Colorado, to the General Iron Works' plant, where the sand is used for molds. Apparently, they have been without authority to haul said commodity.

It also appeared that pits producing fine sand suitable for said work are located at Roxbury Park, Greeley, and other points within a radius of 75 miles of Denver, and it may be necessary to go to said pits to get sand for the Iron Works.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicant, and that certificate should issue for the extension sought.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the extended operation of applicants under certificate of public convenience and necessity No. 202, for the transportation of sand, gravel, and other road surfacing materials, from pits and supply points (except pits and supply points in Boulder, Clear Creek and Gilpin Counties) within a radius of seventy-five miles of Denver, to the plant of the General Iron Works, near Denver, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

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 November, 1943.

BH

(Decision No. 21631)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
B. E. TROTT, PINE STREET, LOUISVILLE,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 6503-PP
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

November 20, 1943.

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 point to point within the city limits of the City of Louisville, 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 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 B. E. Trott, Louisville, 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 from point to point within the city limits of the City of Louisville, 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

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 November, 1943.

BH

(Decision No. 21632)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

Original

IN THE MATTER OF THE APPLICATION OF CLEO L. STARKS, J. M. THOMPSON, V. T. THOMPSON, D. B. SNOUFFER, ED TARMAN, T. L. REASONER, A. DAVIS, DOING BUSINESS AS "VICTORY CAB COMPANY," COLORADO SPRINGS, COLORADO, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6229
PUC NO. 1508

IN THE MATTER OF THE APPLICATION OF CLEO L. STARKS, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY NOS. 1508 AND 107 TO JAMES R. HAYES AND ESTHER HAYES, COLORADO SPRINGS, COLORADO.

APPLICATIONS NOS. 6229-A
612-AAA

IN THE MATTER OF THE APPLICATION OF R. A. COOK, COLORADO SPRINGS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AND APPLICATION OF THOMAS L. REASONER TO TRANSFER TO THOMAS L. REASONER AND R. A. COOK, DOING BUSINESS AS "ALLIED MOTOR TOURS," THE AUTHORITY GRANTED IN DECISION NO. 20217 (PUC NO. 1503), AND APPLICATION OF THOMAS L. REASONER AND R. A. COOK, DOING BUSINESS AS "ALLIED MOTOR TOURS," TO TRANSFER TO R. A. COOK THE RIGHT TO OPERATE TWO CARS IN SIGHTSEEING SERVICE AND TWO CARS IN TAXI SERVICE -- COLORADO SPRINGS TO CAMP CARSON AND PETERSON FIELD.

APPLICATION NO. 6349, 6229-A
(AMENDED)

IN THE MATTER OF THE APPLICATION OF WILLIAM IRVINE AND FREDA G. IRVINE, DOING BUSINESS AS "IRVINE SIGHTSEEING COMPANY," COLORADO SPRINGS, COLORADO, TO TRANSFER TO THOMAS L. REASONER AND RAYMOND A. COOK, DOING BUSINESS AS "ALLIED MOTOR TOURS," COLORADO SPRINGS, COLORADO, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 119.

APPLICATION NO. 637-A

IN THE MATTER OF THE APPLICATION OF T. L. REASONER, AND T. L. REASONER AND R. A. COOK, DOING BUSINESS AS "ALLIED MOTOR TOURS," COLORADO SPRINGS, COLORADO, TO TRANSFER CER-

TIFICATE COVERING OPERATION OF FOUR)
TAXICABS UNDER CERTIFICATE NO. 1503) APPLICATIONS NOS. 637-AA
TO R. A. COOK, AND OF T. L. REASONER) 847-AA-AA
AND R. A. COOK, A CO-PARTNERSHIP, TO) 849-AAA
TRANSFER AUTHORITY TO OPERATE FOUR) 6229-AA
SCENIC AND LIVERY CARS UNDER CERTI-)
FICATES NOS. 164 AND 119 TO T. L.)
REASONER AND FOUR CARS TO R. A. COOK,)
AS INDIVIDUALS.)

IN THE MATTER OF THE APPLICATION OF)
J. A. FINNEY, 942 SOUTH CONEJOS ST.,) APPLICATION NO. 6364.
COLORADO SPRINGS, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

November 22, 1943

Appearances: Marion F. Jones, Esq., Denver, Colorado, for James R. Hayes, Esther Hayes, Cleo L. Starks, R. A. Cook, Allied Motor Tours, Thomas L. Reasoner, Freda Irvine;
J. A. Finney, Colorado Springs, Colorado, pro se;
J. A. Carruthers, Esq., Colorado Springs, Colorado, for Yellow Cab Company;
Strachan and Horn, Esqs., Colorado Springs, Colorado, and Ralph L. Carr, Esq., Denver, Colorado, for Colorado Springs Bus Company;
D. B. Snouffer, Colorado Springs, Colorado, pro se;
Walter Colburn, Colorado Springs, Colorado, for Colburn Motor Tours;
Conour and Conour, Esqs., Del Norte, Colorado, for Pikes Peak Auto Livery, Walter Colburn;
Ben S. Wendelken, Esq., Colorado Springs, Colorado, for City of Colorado Springs, Colorado.

S T A T E M E N T

By the Commission:

The above-styled applications, by consent of all parties in interest, were consolidated for hearing, and heard, at Colorado Springs, Colorado, on August 4, 1943.

By Decision No. 20217, in Application No. 6229, Cleo L. Starks was authorized to operate a so-called "non-scheduled taxicab service" for the transportation of:

> passengers and hand baggage between Colorado Springs and Camp Carson, and between Colorado Springs and Peterson Field,

he and other fellow applicants at said hearing being represented by Truman A. Stockton, Jr., Esq., of Denver, Colorado. Said order did not formally restrict the operation by Starks under said authority to any specific number of cars, although at the time of hearing, it appeared that he had authority from The Office of Defense Transportation to operate two cars in said service. Subsequently, on January 6, 1943, by Decision No. 20240, the Commission, at the request of Starks, he having the right to operate six cars in auto livery service, and he also being desirous of selling the right to operate four cars in taxi service to W. C. Johnston to enable Johnston to get O.D.T. authority to operate a taxi service at La Junta, which transaction would only be approved by The Office of Defense Transportation and Johnston authorized to operate the cars at La Junta, if limiting order was entered, and thereby it was assured that Starks would not increase the number of cars being operated by him at Colorado Springs beyond the two then being operated, the Commission amended said Decision No. 20217 by inserting the following limitation:

> "applicant, Cleo L. Starks, shall be limited to the use of two cars, only, in conducting operations under the certificate of public convenience and necessity herein granted to him, and shall not increase the number of cars used in said service without the consent of the Commission and The Office of Defense Transportation first had and obtained."

In Application No. 6229-B, he seeks to extend his authority by increasing the number of cars operated to three, instead of two. In Application No. 6229-BA, he seeks authority to transfer his taxi operating rights (PUC No. 1508) for two cars and the additional operating right for one car, if authorized, and his sightseeing authority and auto livery authority for six cars (PUC No. 107), to James R. Hayes and Esther Hayes.

In Application No. 6349, R. A. Cook asks for a certificate of

public convenience and necessity to operate a "non-scheduled taxicab service" for the transportation of:

> passengers and hand baggage between Colorado Springs and Camp Carson, and between Colorado Springs and Peterson Field, upon the same terms and subject to the same restrictions contained in Decision No. 20217, granting similar rights to Cleo L. Starks, et al, said operation to be restricted to the use of two cars.

In Application No. 6364, J. A. Finney seeks the same authority sought by Cook, operations, however, to be limited to one car.

There was no objection at the hearing to the granting of authority to transfer operating rights of Cleo L. Starks, as limited to two cars under Decisions Nos. 20217 and 20240, to James R. Hayes and Esther Hayes.

It developed at the hearing on Application No. 6349 that said R. A. Cook, for some time, has been a partner of Thomas L. Reasoner, doing business as "Allied Motor Tours," in the operation of a sightseeing and auto livery business by authority of Decision No. 20753 (PUC No. 164), and without express authority from the Commission, also has been a partner of Reasoner under the authority granted Reasoner individually in Decision No. 20217 (PUC No. 1503) to operate a non-scheduled taxicab service:

> between Colorado Springs and Camp Carson, and between Colorado Springs and Peterson Field,

they considering said operation, although covered by a separate certificate, to be a part of the Allied Motor Tours business; that under their sightseeing certificate, they can operate five cars, Reasoner apparently having acquired, prior to transfer to Cook of one-half interest in Allied Motor Tours operation, the right to operate three cars from Morgan James Estate (Decision No. 20045) and the right to operate two cars from B. E. Beals, in sightseeing and auto livery service; that O.D.T. authorized Reasoner to operate four cars in taxi service under PUC No. 1503; that Cook and Reasoner, a number of months prior to the filing of Application No. 6349, agreed to dissolve partnership, and pursuant thereto, the auto livery and sightseeing operations being under suspension at his request, said Reasoner and said Cook, individually (also without authority from the

Commission) have been separately operating two cars each in the so-called taxicab service between Colorado Springs and Camp Carson, and between Colorado Springs and Peterson Field; that prayer in Application No. 6349 does not reflect desires of Cook and Reasoner; that Cook does not propose to operate two additional cars, but merely seeks Commission approval of the arrangement between Reasoner and himself, and that Reasoner thereafter expects to operate two cars instead of four cars in the Colorado Springs-Camp Carson-Peterson Field service, he so limiting his operation not because he is limited by Commission order authorizing operations under PUC No. 1503 (Victory Cab certificate) to use of four cars, but because O.D.T. limited his operation to four cars. They were permitted to amend their application accordingly, as shown in amended caption herein (Application No. 6349). The additional right to operate one car in sightseeing service which Allied Motor Tours seemed to enjoy was to belong to Cook and Reasoner, to operate individually, when needed by either of them, or as a partnership enterprise.

Thereupon, protestants agreed that said operating rights of Reasoner (or of Reasoner and Cook) between Colorado Springs, Camp Carson, and Peterson Field for two cars, and sightseeing rights to operate two cars, could be transferred to Cook, Reasoner to retain the right to operate two cars in same service.

While not a matter of record in the hearing on Application No. 6349, Reasoner, subsequent to the hearing at Colorado Springs, on August 4, 1943, obtained authority from The Office of Defense Transportation to operate four additional taxis to Camp Carson and Peterson Field, and filed two applications -- (1) Application No. 637-A, and (2) Applications Nos. 637-AA, 847-AA-AA, 849-AAA, 6229-AA -- the first to acquire from William Irvine the authority (PUC No. 119) to operate three cars in sightseeing and auto livery service, the second to transfer to Cook the four cars involved in Application No. 6349, with right not only to operate said cars in sightseeing service, but to operate them under Reasoner's certificate (PUC No. 1503) in taxi service between Colorado Springs, Camp Carson, and Peterson Field, and to transfer to Reasoner the right to op-

erate four cars (three Irvine and one additional of original five Reasoner claimed he acquired from James and Beals) in sightseeing service, and in taxi service between Colorado Springs, Camp Carson, and Peterson Field.

Said applications were heard at Colorado Springs, Colorado, on September 30, 1943, and since under record there made, they involve same matters involved in Application No. 6348, for purposes of decision, the Commission believes it would be desirable to dispose of all matters at one time, and to that end has decided to enter one decision and order to cover the foregoing applications.

At the hearing on August 4, 1943, Protestant Colorado Springs Bus Company, in opposition to the Stark and Finney applications, in writing, stated that when it consented to the granting of the Victory Cab certificate, which authorized so-called taxicab service between Colorado Springs, Camp Carson and Peterson Field, it did so:

> "under the impression that the so-called taxicab service would be limited to the 15 cars sought in this application and the 13 yellow cabs then in service in the City of Colorado Springs (and we felt that the army camps were entitled to this deluxe service just as much as city dwellers are entitled to taxicab service where they have access to street cars and busses)."

In support of said position, reference was made to alleged representation made by applicants through their attorney to The Office of Defense Transportation, by telegraph, for O.D.T. authority, and to this Commission for authority to operate temporarily, pending hearing, the telegrams (Exhibits 2, 3, and 4 at hearing on Application No. 6229 - Victory Cab certificate) which were made a part of the record by reference being as follows:

> "MR. GUY RICHARDSON, DECEMBER 2, 1942
> DIRECTOR OF PASSENGER TRANSPORTATION,
> OFFICE OF DEFENSE TRANSPORTATION,
> WASHINGTON, D. C.
>
> GROUP OF INDIVIDUALS FOR SEVERAL YEARS ENGAGED INDIVIDUALLY TAXICAB OPERATIONS IN CITY OF COLORADO SPRINGS AND AUTO LIVERY SERVICE EL PASO COUNTY COLORADO HAVE JUST BEEN ISSUED JOINT CERTIFICATE UNDER NAME VICTORY CAB COMPANY RENDER TAXICAB SERVICE BETWEEN COLORADO SPRINGS AND CAMP CARSON AND CAMP PROTU, EACH ABOUT SEVEN MILES FROM COLORADO SPRINGS. INFORMED NECESSARY

TO HAVE APPROVAL YOUR OFFICE BEFORE INAUGURATING SERVICE. MILITARY AUTHORITIES AT CAMPS INSIST SERVICE BADLY NEEDED. PRESENT BUS AND TAXICAB SERVICE INSUFFICIENT. SOLDIERS REQUIRED TO WAIT HOURS FOR TRANSPORTATION AT TIMES. LOCAL OFFICE O.D.T. ADVISES APPROVAL. PLEASE WIRE COLLECT OUTLINING PROCEDURE TO SECURE QUICK APPROVAL AND ADVISE IF DENVER DISTRICT OFFICE O.D.T. CAN HANDLE.

MARION F. JONES
526 DENHAM BUILDING
DENVER, COLORADO."

"MARION JONES DECEMBER 5, 1942.
526 DENHAM BUILDING
DENVER, COLORADO

ANSWERING WIRE ADDRESSED MR. RICHARDSON PLEASE ADVISE EXACT NUMBER OF TAXICABS AND LIVERY VEHICLES INVOLVED STOP HOW MANY OF THESE WERE LICENSED OR IN OPERATION ON SEPTEMBER FIRST STOP WE HAVE NO OBJECTION IF THIS DOES NOT MEAN INCREASED NUMBER OF CABS BUT IF INCREASE IS DESIRED MUST HAVE FULL FACTS.

CLEWELL SYKES TAXICAB SECTION."

"MR. CLEWELL SYKES DECEMBER 5, 1942.
TAXICAB SECTION
OFFICE OF DEFENSE TRANSPORTATION
WASHINGTON, D. C.

RETEL FIFTEEN TAXICABS INVOLVED ALL OF WHICH IN OPERATION ON SEPTEMBER FIRST. WILL BE NO ADDITIONAL CABS.

MARION F. JONES."

Further, that:

"Not long after this, other applications were made, and we at that time asked that the number be limited to the original 15, as the Yellow Cab Company had in the meantime procured 7 additional taxicabs, but all of the later applications were granted. This has resulted in an unreasonable number of these so-called taxicabs operating in fact as independent bus operations, as they do not operate on call, nor do they operate under the 1940 so-called auto livery certificates, as these certificates provided for a round trip service based on a per mile charge. The last figures that we had were that there were 90-some permits granted for the entry into Camp Carson of these so-called taxicabs. Undoubtedly some of these permits are used on standby equipment, but the last information we had from the Camp was that there were 68 of these autos actually operating into the camp. This includes the 20 yellow cabs and 34 operating out of the depot in Colorado Springs, which leaves 14 operating indeperdently and from apparently no fixed terminal in the City of Colorado Springs.

"This means that including our Company there are 69 separate bus operations between Camp Carson and the

City of Colorado Springs, which upon its face discloses that this is a needless waste of manpower, equipment, gasoline and rubber.

" *** the operation of many small cars will result in the waste of manpower, gasoline, rubber, and other equipment," that

"The average bus load, estimated, is 70 passengers. To haul the same number requires ten small cars. The bus requires one man; the smaller cars ten men. The bus uses six large tires; the cars 40 smaller tires. The bus would consume, conservatively, no more than one-fourth the gasoline used by the small cars." that

"Obviously, the permission to further applicants to operate will not further the war effort but will unquestionably work against it." that

" *** no further certificates should be granted at this time or in the future, because, if there are additional certificates issued, it will eventually lead to a choice of transportation between bus service and the so-called taxi service." that

"The inevitable result will be that the great investment in equipment and operating facilities made under its certificate by the Bus Company will be jeopardized by the operation by 'fair weather' holders of licenses such as are here protested." that

"The Bus Company operates from 5:30 A. M. to 12:30 A. M. on regular schedules over fixed routes. The smaller operators are bound to follow no schedule or route and operate for the most part at peak hours." that

" *** objection is directed not so much at present conditions -- although it should be remembered that the Bus Company expects to add seven busses to its equipment within a few days -- as to what will happen when the population in the army camps starts to fall and the big investor and operator, becomes the first to feel the change." that

"All these applicants represented to the ODT that they had for years been engaged in the taxi and auto livery service in this community, but as a matter of fact only the 13 original yellow cabs had ever had licenses to operate taxicabs within the City of Colorado Springs, nor could they have obtained taxicab licenses for the reason that the city ordinance of Colorado Springs applying to the operation of taxicabs requires that they be equipped with meters."

The Bus Company took the same position on applications filed by Cook and Reasoner which were heard on September 30, 1943, being Nos. 637-A, 637-AA, et al.

The Victory Cab operators, in writing, consented to the granting of Application No. 6349, statement being as follows:

> "The undersigned hereby waive protest against the application of R. A. Cook for certificate authorizing the service of two taxicabs between a central location in Colorado Springs and Camp Carson and Peterson Field, subject to the same restrictions as agreed to at the hearing held on March 17, 1943 at Colorado Springs, in connection with the application of Florence Ordelheide and others, and agree that they have no objection to the issuance of temporary authority."

However, at the hearing on September 30, 1943, the record at the hearings on March 17 and August 4 being made a part of the record, Mr. Snouffer and some other Victory Cab operators, stated that they thought some limitation should be placed upon the number of auto livery operators authorized to operate between Colorado Springs, Camp Carson, and Peterson Field, and a limit placed upon the number of cars the respective operators could operate, because those now operating found that during the major portion of each day there was very little business, and due to the fact that all cars authorized were dividing the business available, it was becoming difficult to keep drivers, the drivers being unable to make enough money. Colburn, Ordelheide, and Shabouh, for Pikes Peak Auto Livery, agreed that their respective operations might be limited to the use of the number of cars then authorized by The Office of Defense Transportation, being six for Colburn, two for Ordelheide, and ten for Shabouh, with the understanding that if they desire to increase the number, that they should have the right to apply to the Commission and O.D.T. for the right to use a greater number.

Conour and Conour, appearing at the hearing on September 30, 1943, for Pikes Peak Auto Livery and Colburn, they not being in attendance at the hearing on August 4, 1943, protested Reasoner-Cook applications. As to proposed transfer of Irvine certificate, objection was made that William Irvine, holder of record of PUC No. 119, was dead, and that certificate could not be transferred, if at all, except upon petition of Executor or Administrator after due authorization by Probate Court; that

upon the death of William Irvine, said certificates of public convenience and necessity ceased to exist as a matter of law, and that the Commission is without right, power, or jurisdiction to hear said application to transfer said certificates, or to authorize transfer thereof, for the reason that no such certificates any longer exist because of the death of the legal holder thereof, the said William Irvine; that without authority from the Commission, said Irvine failed to operate during the year 1942; that said certificate was abandoned on account thereof; that Cook and Reasoner are not fit and proper persons to conduct the operations because, without authority from the Commission, said applicants,

> "now are, and for some time last past have been, in violation of law and in excess of the authority granted them operating at least eight vehicles in passenger service as a common carrier."

For the same concerns, Pikes Peak Auto Livery and Colburn, Conour and Conour protested the proposed transfer to Cook of the taxi authority. It is their position that PUC No. 1503 is unlimited; that it is not severable; that the transfer of the right to operate any number of cars to Cook, in effect, would be permitting Reasoner or Allied Motor Tours, as the case may be, to grant a certificate of public convenience and necessity, to which Mr. Jones suggested that the Commission might limit the operation to the use of eight cars -- being four cars originally operated by Reasoner and four additional now authorized by O.D.T. -- and then authorize the transfer to Cook. Counsel also stated that the records of the Commission fail to disclose that Allied Motor Tours is authorized to operate five cars in sightseeing service; that three cars, only, were obtained by Reasoner from James, and one car only was obtained from Beals.

For Applicants Starks, Finney and Cook, a number of witnesses at the August 4th session, testified as to the volume of business between Camp Carson and Colorado Springs.

As aforestated, Starks asked to have his authority limited to six cars, and then transferred the right to operate four cars in taxicab service to one Johnston, who, at that time, was seeking a certificate to operate

taxi service at La Junta. The certificate to operate taxi service at La Junta was granted, and O.D.T. authorized him to operate four cars in La Junta, conditioned upon non-operation of the four cars at Camp Carson, O.D.T. apparently being very desirous of limiting the operation at Camp Carson to fifteen cars then authorized by O.D.T. Starks, under the order, was limited to the operation of two cars. Subsequently, he procured authority from O.D.T. to operate an additional car, (which he then proceeded to operate, and has operated, since May 20, 1943), and now asks us to authorize that operation, in order that he may sell the sightseeing authority for six cars and taxi operating rights for three cars and three automobiles to Hayes for $2500.00, instead of selling three cars and sightseeing rights and authority to operate two cars in taxi service for $2225.00. Starks testified that during the three months' period prior to the hearing on August 4, the business between Camp Carson and Colorado Springs had more than doubled. Although the record failed to disclose any authority from the Commission to operate the extra car, he stated that a Commissioner had authorized the operation. Our files, records, and recollections fail to confirm his statement. Apparently from his testimony and that of other witnesses, during the so-called peak periods of the day, it is difficult for the busses of Colorado Springs Bus Company and all the so-called taxicabs in service, to handle the business available promptly. While cars and busses are busy from 5:30 P. M. to 2:00 A. M. every day, peaks are from 5:30 P. M. to 7:00 P. M., and from 9:00 P. M. to 12:00 midnight, with larger volumes on Saturdays and Sundays. On occasions, soldiers are compelled to wait an hour for service from Colorado Springs, and, on occasions, have waited forty-five minutes or more at the camp. At times, soldiers have been in line two abreast for a block and a half at the cab depot and the bus station. The cab companies load at other places in the camp, and unload at the barracks. They maintain adequate depot service in Colorado Springs, the expense being paid by all operators. Cab cars, at times, are sent to the camp on call, and sometimes without call. When the traffic is in-bound, as soon as the car is unloaded in Colorado Springs, it returns to the camp for another load. Cabs are not operated on

schedule.

Mr. Hayes testified that he had driven cars for Starks for seven months; that his net worth is nine thousand dollars; that cabs were in use in the Camp Carson-Colorado Springs-Peterson Field service about eight hours daily on the average, service being furnished as late as 2:00 A. M. on Sunday morning and Monday morning; that, in his opinion, busses cannot handle the business during peak periods. He adopted the testimony of Starks as to volume of business.

Mr. Finney, testifying in his own behalf, also stated that if he testified in detail, his testimony would be substantially the same as Mr. Starks'; that he had a sightseeing and auto livery certificate; that, for a number of months, he had been driving taxicabs for Yellow Cab; that, recently, he had obtained a certificate from The Office of Defense Transportation to operate one cab between Colorado Springs, Camp Carson, and Peterson Field, but was unable to operate satisfactorily under auto livery rates, and therefore sought a certificate, or at least the right to operate one car only between Colorado Springs, Camp Carson, and Peterson Field upon the rates fixed for Victory Cab operations; that he had a license in Colorado Springs for one taxicab; that at Camp Carson he had seen soldiers in groups of one hundred or more waiting for transportation to Colorado Springs; that large groups of soldiers are released on Wednesdays, Saturdays, and Sundays, at which time busses are crowded; that, at other times, "busses run light," and "we are running light, too." He mentioned that in addition to the bus operation and Victory Cab operation, he had observed the Hiawatha Tours operating with five cars; that apparently they were operating under their auto livery and sightseeing certificate because they were not operating out of the central station of Victory Cab.

Raymond A. Cook testified that he had previous experience in the for-hire auto service as a sightseeing operator; that he had acquired a one-half interest from Reasoner in all of Reasoner's operations in October, 1941, he being under the impression that they were authorized under that operation to operate five cars in livery and scenic service, and to conduct a

for-hire service between Colorado Springs, Camp Carson, and Peterson Field, said operation being limited to the use of four cars by The Office of Defense Transportation; that all authorized facilities were required between 5:30 P. M. and 12:00 midnight of each day, except Saturday and Sunday, when increased demands require use of all facilities from Saturday noon until 2:00 A. M.; that it is his impression that busses stop about 12:30 A. M., and frequently cabs operating out of Central Depot and the Yellow Cab Company, furnish service after that hour; that during peak periods, equipment of all carriers could be doubled, and still the business could not be handled promptly; that the Second Service Command is being moved to a point near Peterson Field from Seattle; that approximately four thousand men make up the Command in Seattle, and if that number is stationed at the new location, more cab service will be required; that he owns two cars and Reasoner owns two cars; that sightseeing certificate has been suspended at Reasoner's request; that he and Reasoner have been conducting separate operations out of the cab depot; that he is not seeking authority to operate two cars in addition to those which Reasoner has been authorized to operate by O.D.T., and therefore does not desire a certificate; that, in effect, he and Reasoner wish to dissolve their partnership, Reasoner to retain the right to operate two cars in the Camp Carson-Peterson Field service, and he to obtain the right to operate two cars in the Camp Carson-Peterson Field service.

Mr. Reasoner stated that it would be agreeable to proceed as outlined by Mr. Cook; that Cook would operate two cars in sightseeing and taxicab service, and he would operate two cars in taxicab and sightseeing service; that the other car he thought he was authorized to use was to continue as a "fifth wheel" for use by the partnership or by either partner. He testified to the same effect as other witnesses about volume of business. He stated that they had about one hundred orders between 10:00 A. M. and 2:00 P. M.; that, in his opinion, all cabs were busy from about Saturday noon until 5:00 A. M. Monday. He thought that the seven new busses which the Bus Company had been authorized to place in service

would help the condition, but believed more are needed.

In opposition, Dean Gillespie, of the Colorado Springs Bus Company, testified that for inter-camp service at Camp Carson, his company had built, and had in service, the two largest busses in the world; that they move soldiers to camp depots where they are picked up by inter-city busses with capacity to handle ninety passengers each (including standees) into Colorado Springs; that, recently, it had been authorized to obtain seven additional busses; that busses operated on schedule, and at rates less than those charged by the cab operators; that seven new busses (four being ready for service now) will seat 288 passengers, and as many more standees; that busses can make one and one-half round trips an hour, handling about 570 passengers per hour; that the operation of busses saves manpower, wear and tear on tires and equipment, and gasoline, as compared with cab operations, cabs making more trips per hour than busses, but handling only seven passengers per trip; that cabs, unlike cabs of Yellow Cab Company in Colorado Springs, are not operated as taxicabs, but really are operated in inter-city bus service, and, in his opinion, are uneconomical and wasteful, and the granting of additional authority would not be in furtherance of the economies required to win the war; that, although a great number of additional cabs have been authorized by O.D.T., it is difficult to get O.D.T. authority for additional busses; that Bus Company's investment should be protected by insuring loads for the busses, when operated, not only at this time, but later when the number of men at Camp Carson and Peterson Field may be substantially reduced.

At the hearing in Colorado Springs on September 30, 1943, the Colorado Springs Bus Company's position was the same as position at the hearing on August 4.

For Reasoner and Cook, it there appeared that Reasoner had acquired authority from O.D.T. to operate four additional cars; that Mr. Irvine was deceased; that Mrs. Irvine did not have an interest, except as an heir, in the Irvine Estate; that an Administrator for Irvine's Estate had not been appointed; that they sought to purchase the Irvine operating rights, so that

he might transfer the right to operate four cars to Cook, instead of two cars in sightseeing service, they each also to have the right by grace of O.D.T. to operate four cars each under the Victory Cab authority, said certificate, in his opinion, being unlimited as to the number of cars to be used, except as limited by O.D.T. It also appeared at the time of hearing that Reasoner was operating four cars and Cook was operating four cars out of the Victory Cab Depot.

On cross examination, it developed that Allied Motor Tours, under its PUC No. 164, now claims the right to operate three cars in sightseeing and auto livery service acquired from James, and two cars acquired from Beals, counsel for Protestants Pikes Peak Auto Livery and Colburn (as heretofore stated) taking the position that authority is limited to four cars -- three from James, and one from Beals.

Mr. Cook testified that Allied Motor Tours sought to acquire the Irvine certificate in order that he and Reasoner may have four cars each in sightseeing service, in addition to the "fifth wheel car" referred to; that they are paying $100.00 for the certificate; that cab cars are being separately operated by Reasoner and him.

For the City of Colorado Springs, Ben Wendelken, City Attorney, stated that the city believes that the for-hire auto service in Colorado Springs is getting out of hand; that many of the cab operators (not including Reasoner and Cook) have been taking passengers any place within, without, and from and to the city; that they are competing with city busses and Yellow Cab taxicabs, without being licensed as taxicabs; that the city had determined that "a stop has to be called" somewhere; that the activities of the so-called taxi operators must be curtailed, in order that the city may insure for the future adequate bus and taxi service by duly licensed operators.

We do not think that Mr. Starks' application for authority to operate an additional cab under his Victory Cab Certificate (PUC No. 1503) should be authorized. The transfer of PUC No. 1503, with right to operate two cars, and the transfer of his sightseeing authority (PUC No. 107), with

right to use six cars, should be granted. If the position of Victory Cab operators that their certificates are unlimited as to the number of cars to be operated, subject only to O.D.T. approval, is correct, Mr. Starks had an unlimited operating right, but in order to make a profit out of the operating authority, he asked that his certificate be limited. This was done at his request. He thereby was able to sell four so-called operating rights to Mr. Johnston, in order that Mr. Johnston might satisfy O.D.T. and get authority to operate four taxicabs at La Junta. Now, in order to make additional profit, he seeks to get authority to operate one more car, so that he may sell that operating right to Hayes.

Authority was issued by O.D.T. to the Victory Cab Company operators to serve between Colorado Springs, Camp Carson and Peterson Field by O.D.T. because it was represented that they not only had been authorized to engage in auto livery service under their sightseeing certificates, but "for several years engaged individually in taxicab operations in the City of Colorado Springs and auto livery service in El Paso County." The fact that they had been authorized to operate auto livery cars and were out of the sightseeing business due to the war, besides the fact that additional service was needed to Camp Carson and Peterson Field, was a persuasive factor in the granting by the Commission to them of the Victory Cab Certificate. In our opinion, it was not contemplated, at that time, that they would operate more than fifteen cabs, and that such restriction could safely be left to O.D.T. The Commission, in granting the certificate, considered that the operation was merely an extension of their respective auto livery services, and we did not think that they would operate more cars in auto livery or so-called taxicab service to Camp Carson and Peterson Field than they respectively were authorized to operate under their sightseeing-auto livery certificates. We definitely did not intend to authorize unlimited cab service similar in manner of operation to the inter-city bus service of Colorado Springs Bus Company.

They predicated their request to O.D.T. for authority to operate on their auto livery service such service had been very limited, and re-

quired use of very few cars -- many less in number than they were authorized to use in sightseeing service. They also represented to O.D.T. that they were operating taxicabs in Colorado Springs, but our records do not disclose how many, if any, were licensed in Colorado Springs. The Bus Company contends they never furnished such service.

Starks had the right to operate six cars in auto livery and sightseeing service. That was the reason why six was the number he selected as the limitation to be placed on his so-called taxi service, although probably he never had operated more than one or two in auto livery service, notwithstanding he was authorized to operate six. If we were now to increase the number he has left, we definitely would be committed to a policy of granting authority to operate more cars in taxi service than applicants could operate under their sightseeing and auto livery certificates. Probably, instead of granting certificates in Application No. 6229, we should have authorized the applicants to operate to Camp Carson and Peterson Field upon the rates fixed for Victory Cab service, as we did in the matter of the applications of Walter Colburn, Antlers Livery and Taxicab Company, Pikes Peak Auto Livery, and Florenz Ordelheide, and restricted number of cars to be used in such service to fifteen.

In our opinion, Freda J. Irvine, over objection of interested carriers, cannot be authorized to transfer the William Irvine certificate, PUC No. 119, not because the operating right died with Mr. Irvine, but because the certificate must be sold only by direction of the Probate Court upon application of an Executor or Administrator, duly appointed by that Court.

We believe that PUC No. 1503, being the right to operate so-called taxicab service between Camp Carson, Peterson Field, and Colorado Springs, granted in Decisions Nos. 15523, 17012, and 21053, should be transferred to Thomas L. Reasoner and Raymond A. Cook, doing business as "Allied Motor Tours." We agree with counsel for Protestants Colburn and Pikes Peak Auto Livery that certificate or operating right is not divisible. To hold otherwise would, in effect, allow any certificate-holder to create

additional operating rights at will. Probably the practice in the past to permit sales by sightseeing operators of operating rights to operate one or more of the cars authorized under their certificates has been a bad practice. The only thing that justifies its continuance is the fact that it has been permitted without objection for many years, but, definitely, to permit the transfer of two cars, or four cars, or any other number of cars, by Reasoner (or Reasoner and Cook) to Cook and Reasoner severally, would mean the operation of two certificates where only one had been authorized. We do not think that the limiting of operating rights under PUC No. 1503 at this time to eight cars is justified in order to apparently justify the division and separation sought. We, however, upon the record, will authorize the transfer of PUC No. 1503, to R. A. Cook, but doubt that Mr. Reasoner will care to consummate said transfer without transfer to him of the Irvine operating rights and procuring by him of right to operate said Irvine cars in service between Colorado Springs, Camp Carson, and Peterson Field. Likewise, the transfer of PUC No. 119 to Cook will be authorized. However, at this time, we should point out that a check of our records discloses that the sightseeing operating authority is limited to the operation of four cars. M. W. James, doing business as "Mountain Circle Auto Tours," had authority to operate three cars, only. His widow obtained authority from the Commission to transfer one car to Richard Hayes. Subsequently, the Hayes transfer not being consummated, she obtained authority to transfer three cars, being the car which theretofore she had been authorized to transfer to Hayes, and two additional operating rights owned by the Estate of M. W. James, to Thomas L. Reasoner, doing business as "Allied Motor Tours." The transfer was duly made. B. E. Beals, under his certificate, was authorized to operate two cars. One of these he transferred to Cronkite and Landis, the other, by authority of Decision No. 17399, was transferred to Mr. Reasoner. The Statement in said decision mentions the fact that Beals had been authorized by Decision No. 1719, as amended by Decision No. 17012, to operate two automobiles in sightseeing service, and authorized the transfer of his certificate.

The Order did not state that said operating right had been reduced to one car, so it is obvious that Mr. Reasoner and Mr. Cook properly could have been under the impression that Reasoner obtained the right to operate two cars from Beals.

As to the application of J. A. Finney (Application No. 6364), it is true that at the times when service is most urgently needed, the existing carrier facilities are unable to handle it promptly. The Bus Company, without fault on its part, has been unable to procure enough busses to handle the business. If, at the time the original Victory Cab Certificate was granted, it had been able to haul the soldiers promptly, or if it had had any assurance that it would be able to get additional busses, it would not have consented to the granting of authority to the Victory Cab operators, and probably they would not have been able to establish that convenience and necessity required the operation and the Commission would have been compelled to deny the application, as we always have taken the position that service on schedule, being service for the great bulk of the people at low rates, must be protected from competition by taxicabs. It is the position of the Bus Company, as heretofore stated, that, except on Saturdays and Sundays, and occasionally during the evening of other days of the week, it can handle the business; that it is not especially concerned with the granting of additional authority at this time, but hesitates to make additional investment in the business if and when it can get authority for more busses from O.D.T., if additional taxicab authority is to be granted promiscuously, for when business decreases, it will be left with much useless equipment.

There is much to be said in favor of Bus Company's position. But its representative admitted that now when great numbers of soldiers are released at one time, they cannot be taken care of by present facilities. Should we compel these soldiers to wait for transportation for a long period of time because future, not present, public convenience and necessity may not require granting of additional authority? If O.D.T. will not authorize use of more busses which seems the desirable thing to do (not

only because it means conservation of manpower, tires, equipment, and gasoline, but operation can be better policed), but will authorize use of cabs, we probably will be compelled to grant more cab authority if additional facilities are needed.

There is another factor to be considered -- as heretofore stated, in granting the so-called Victory Cab Certificate, we were merely authorizing the operators granted certificates to continue their operation under their auto livery authority at reduced rates. Some operators apparently now are serving under their auto livery certificates at the rates prescribed in the auto livery certificates. It would seem that properly, as was done in the Colburn, Antlers, Pikes Peak and Ordelheide applications, auto livery operators should be authorized to operate to Camp Carson and Peterson Field upon the same rates that Colburn, Antlers, Pikes Peak and Ordelheide, Victory Cab operators, charge. Especially in view of the fact that O.D.T. has seen fit to grant many times the number of car permits originally contemplated, and, in some instances, a number greatly in excess of cars operated, or even cars authorized to be operated by us, in auto livery service, it probably is proper that the number of cars used in the operation should be limited, in order not only to protect the operation of Colorado Springs Bus Company, but also, as suggested by Mr. Snouffer and others, to protect the operations of those engaged in furnishing cab service. It would therefore seem desirable that Mr. Finney, under his application as here filed, be authorized to file new tariff rates under his sightseeing and auto livery certificate (PUC No. 1504) fixing rates for service between Colorado Springs, Camp Carson, and Peterson Field, at the rates prescribed for the same service by Victory Cab operators, his operation, as suggested by him at the hearing, to be limited to the use of one car in said service.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require: that the application of Cleo L. Starks for extension of authority under his PUC No. 1508 by increasing the number of cars operated

between Colorado Springs, Camp Carson, and Peterson Field to three, instead of two, should be denied; that the application of Cleo L. Starks for authority to transfer his certificates of public convenience and necessity Nos. 107 and 1508 to James R. Hayes and Esther Hayes, should be granted; that the application of William Irvine and Freda G. Irvine to transfer to Thomas L. Reasoner and Raymond A. Cook, doing business as "Allied Motor Tours," the certificate of public convenience and necessity (PUC No. 119) of William Irvine, should be denied; that the application of T. L. Reasoner and/or T. L. Reasoner and R. A. Cook, doing business as "Allied Motor Tours," to transfer to R. A. Cook, PUC No. 164, being the right to operate four cars in sightseeing and auto livery service, and PUC No. 1503, being the right to operate a so-called taxicab service between Colorado Springs, Camp Carson, and Peterson Field, should be granted; that Decisions Nos. 15523, 17012, and 21053, being the decisions granting J. A. Finney and others the authority to operate an auto livery service, and fixing rates therefor, should be amended to authorize the transportation of passengers by said J. A. Finney between Colorado Springs and Camp Carson, and Colorado Springs and Peterson Field, upon the same terms and conditions that similar operating authority was granted to Florenz S. Ordelheide, Walter Colburn, Antlers Livery and Taxicab Service, and Pikes Peak Auto Livery in Decision No. 21053, reference to which is hereby made, and that the above-styled applications, in all other respects, should be denied.

O R D E R

IT IS ORDERED:

That application of Cleo L. Starks for extension of authority under PUC No. 1508 by increasing the number of cars operated between Colorado Springs, Camp Carson, and Peterson Field to three, instead of two, should be, and the same hereby is, denied.

That Cleo L. Starks be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC Nos. 1508 and 107 to James R. Hayes and Esther Hayes.

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

That the application of William Irvine and Freda G. Irvine, doing business as "Irvine Sightseeing Company," to transfer PUC No. 119 to Thomas L. Reasoner and Raymond A. Cook, doing business as "Allied Motor Tours," should be, and the same hereby is, denied.

That application of Thomas L. Reasoner and/or T. L. Reasoner and R. A. Cook, doing business as "Allied Motor Tours," for authority to transfer PUC Nos. 164 and 1503 to R. A. Cook, should be, and the same hereby is, granted.

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

That Decisions Nos. 15523, 17012, and 21053 should be, and the same hereby are, amended to show that J. A. Finney should be, and he hereby is, authorized to transport passengers between Colorado Springs and Camp Carson, and Colorado Springs and Peterson Field, limited to the use of one car, subject to the following conditions:

(a) The operations herein authorized are only for the duration of the war and three months thereafter, unless upon proper showing prior to expiration of said period we find public convenience and necessity require further service.

(b) The car operated under the authority herein granted shall obtain all necessary licenses required by the City of Colorado Springs.

(c) The car used under this authority shall be permanently marked with the word "Taxi" on each side thereof, and shall carry inside of said car in a conspicuous place a statement of the legal load limit and the legal fares that may be charged between Colorado Springs and Camp Carson and Peterson Field.

(d) The car operated hereunder shall be limited to 5, 7, or 8 passengers, exclusive of the driver, depending upon the ordinary and reason-

able carrying capacity of the car, and no additional seats shall be installed for the purpose of carrying extra passengers.

The service authorized to be performed hereunder shall be upon the following rates:

> 35¢ per passenger, subject to a minimum car charge of $1.50 for one-way service, and a waiting charge for the purpose of assembling a full car at the rate of 25¢ for each 15 minutes after the first 15 minutes of waiting time, which shall be without charge.

J. A. Finney is hereby authorized to publish and place such rates in effect on less than thirty days' notice, to-wit, one day's notice as provided by the Public Utilities Act.

That, except as herein amended, Decisions Nos. 15523, 17012, and 21053 shall remain in full force and effect.

That, in all other respects, the instant applications should be, and hereby are, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Newman

Edward E. Wheeler

Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1943.

mw

(Decision No. 21633)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF AMBROSE A. GAYNOR, TRINIDAD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 6499-PP

November 20, 1943.

Appearances: Ambrose A. Gaynor, Trinidad, Colorado, pro se;
Mrs. Philip Sandoval, 602 Adams St., Trinidad, Colorado, for Sandoval Truck Line;
James Couey, Trinidad, Colorado, for Couey Transfer and Storage Company;
Angelo Baudino, Aguilar, Colorado, for Baudino Transfer;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

At the hearing in Trinidad, Colorado, on November 12, 1943, on the above-styled application, it developed that applicant does not care to haul commodities intrastate; that he wants to haul hay from ranches in the so-called "Stonewall Valley District," being the ranches along the watershed of Purgatoire River and its tributaries, to mines in the Raton, New Mexico, mining district, with back-haul of scrap iron from said mines, and used household goods and furniture from mining camps in said district to points (chiefly mining camps) in Las Animas and Huerfano Counties, in the State of Colorado.

Inasmuch as said applications are granted by the Commission as a matter of course, subject only to compliance by applicant with all requirements of the Federal Motor Carrier Act of 1935, and the rules and regulations relating thereto of the Interstate Commerce Commission, the Commission is of the opinion, and finds, that said permit, limited to interstate service,

should issue, applicant, however, to comply with the Federal Motor Carrier Act of 1935 and rules and regulations of the Interstate Commerce Commission before engaging in such service.

O R D E R

IT IS ORDERED:

That Ambrose A. Gaynor, Trinidad, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, in interstate commerce, only, for the transportation of hay from ranches in the so-called "Stonewall Valley District," being the ranches along the watershed of the Purgatoire River and its tributaries, to the Colorado-New Mexico State Line, via U. S. Highway No. 85, and junk, furniture and used household goods from said line to points in Las Animas and Huerfano Counties, said operations to be subject to compliance by applicant with all requirements of the Federal Motor Carrier Act of 1935, and the rules and regulations relating thereto of the Interstate Commerce 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 20th day of November, 1943.

BH

(Decision No. 21634)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
WILLIAM P. MOLLOY, LEADVILLE, COLORADO,)
DOING BUSINESS AS "SKY LINE AUTO LIVERY") APPLICATION NO. 6373
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

November 22, 1943.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for E. D. Holmes;
Ione Beatty, Red Cliff, Colorado, for Quartzite Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire for the operation of a taxicab business between Leadville on the one hand, and points and places within a twenty-mile radius of Leadville on the other hand, and a scenic or sightseeing service between Leadville on the one hand, and points and places of scenic interest within a radius of forty miles of Leadville on the other hand.

It appeared that applicant now has, or will have, available for his service three 1936 Lincolns; that he applied to the Office of Defense Transportation for authority to operate his proposed service prior to the hearing on this application in Leadville, Colorado, on July 14, 1943, decision herein being delayed in order to give applicant an opportunity to get action on said request.

Applicant named a number of scenic attractions, including Half Moon Gulch, Twin Lakes, Turquois Lake, Carleton Tunnel, fish hatchery, Tennessee Pass, California Gulch, and the Tabor Mines, to which he has been asked to take passengers on sightseeing trips during the 1942 season when he was working with or for Ed Holmes, PUC No. 1185; that a great number of people

visit Leadville during the summer, and, in his opinion, after the war, the demand for sightseeing service from Leadville to the points mentioned will be greatly enlarged. He would now be unable to furnish service if it were sought, even though the certificate were granted, because under O.D.T. regulations, sightseeing service by automobile is not permitted.

The contemplated taxicab service would include service generally in Leadville and the surrounding territory, and particularly to and from Camp Hale, the Arkansas Valley Smelter, Twin Lakes, Resurrection Tunnels and Climax.

Camp Hale has fifteen thousand soldiers, and employs three thousand civilians. It is located seventeen and one-half miles north of Leadville. Most of the civilians reside there, although a few have homes in Leadville. Numerous soldiers want to enjoy the attractions at Leadville when on leave, which ordinarily, in the past, have been from Friday evening to Sunday night, it being the policy, however, of camp authorities at the time of hearing to stagger leaves. In his opinion, at times, as many as four thousand soldiers are in Leadville over the week-end, and he believes that that number would double if more taxicab service were available. He described the bus service of Motor Way, which has regularly operated two busses between Camp Hale and Leadville from 5 P.M. to midnight through the week, and two regular schedules through Pando during the daytime, and two additional schedules in the evening. Also, he mentioned the Holmes service. He stated that Holmes has three cars, one of which, a Plymouth, had been out of order from time to time. Under O.D.T. regulations, Holmes is authorized to operate four cars. He thought that Holmes was unable to satisfy taxi demands between Leadville and Camp Hale. He mentioned that many soldiers walk from Pando to Leadville, or ride in trunks of passenger cars. The Climax Molybdenum Company operates a mine and mill at Climax. Climax has three hundred and fifty homes and a boarding house with a capacity of eight hundred. Many workers live in Leadville; taxi service chiefly is

required on account of the fact that some miners miss or fail to make connections with the share-expense car which they ordinarily take to Climax from Leadville. When working for Holmes, Holmes had about eight taxi calls per week to Climax. He stated that he and Holmes had contemplated a partnership for operation of Leadville taxis, but the partnership arrangements were not completed; that when working for Holmes, he made about twenty trips to the Half Moon, located in Haggerman Gulch; that scenic business could be developed and enlarged; that calls to the Arkansas Valley Smelter were about fifteen each week, and increased in number during bad weather; that if permit is granted, he expects to have a telephone at Pando opposite the No. 2 gate, and also intends to maintain a car if he can.

William J. Carter, of Leadville, a letter carrier, stated that he was local U.S.O. Chairman; that the U.S.O. provides recreational service for soldiers; that Holmes' taxi service was good as far as his facilities permitted, but, in his opinion, ten or twelve taxies should be in operation.

Rene I. Coquanz, a member of the Leadville Council, stated that he operated a dairy; that the application had been endorsed by the Council, who wanted additional taxicab service; that, in his opinion, the service is not adequate; that Leadville does not have street cars or busses; that population has greatly increased, it now being about nine thousand; that, due to gas rationing, people are unable to use personal cars; that the many scenic attractions would be visited by tourists and soldiers if taxicab service were available; that from five hundred to seven hundred soldiers are in Leadville over the weekend.

Harry E. Smith, doing business as "Partridge Transfer," testified in support of the application. He stated that he was financially interested in the proposed Molloy operation; that service between Leadville and Camp Hale is insufficient; that many soldiers hike between the points and thumb rides; that many unlawful for-hire taxicab services are in operation; that, at times, Holmes' service has been slow.

Major Wise, in charge of transportation at Camp Hale, testified

that the Army neither supported nor opposed the application, all that it desired being to protect presently authorized line haul bus service; that, in his opinion, the bus service is adequate, and recently the bus company had been compelled to discontinue some bus schedules because enough passengers to make the service profitable were not available; that about four hundred to seven hundred men register weekly for public transportation to Leadville and other points from Camp Hale; that sometimes the number registered failed to appear, and on other occasions, as many as twice the number registered request service, which, in his opinion, is the chief cause for "jams;" that the largest number moved over a weekend was eleven hundred; that he, as Officer in Charge of Transportation, tries to arrange for service by train one way and bus the other.

Ed K. Holmes, PUC No. 1185, stated that his taxicab service authorized:

> service from point to point in Leadville, and from and to Leadville, to and from points in the State;

that the Office of Defense Transportation had authorized him to operate four cars; that, at time of hearing, only three cars were in operation; that he had asked for, but had not received, authority to operate four additional cars; that his net worth amounted to $3,500.00; that he serves the points that applicant seeks to serve; that cars dead-head to Hale on Friday, and dead-head back to Leadville on Sunday nights, movement of passengers being Hale to Leadville on Friday and Saturday, and Leadville to Hale on Sunday nights; that during the period Monday to Friday, he gets about five trips between Hale and Leadville during each twenty-four-hour period; that his local service around Leadville is prompt, except on weekends. He presented an exhibit which, in detail, showed the number of passengers handled from June 26, 1943, to July 9, 1943. Between Camp Hale and Leadville, he had thirty passengers on June 26, three on June 27, fourteen on June 28, six on June 29, fifty-two on July 2, thirty-nine on July 3, one hundred thirty-six on July 4, eight on July 5, two on July 6, fifteen on July 9. He, too, on a number of occasions, has seen soldiers walking, especially immediately before pay day. He stated that their business has been solicited by drivers, but the soldiers

have been unable to, or have refused to pay the taxi charge of $1.00. He admitted that on Friday night and Sunday night, except on the weekends before pay day, possibly eight or ten taxies could be used to move soldiers; that on other days, two cars will handle the soldiers' requirements and all other business available in Leadville. In his opinion, if bus company continues its new schedules, the taxi service will be lightly patronized. On Sunday night preceding the hearing, Motor Way had four busses in service, and taxicabs did not haul any. Round trip fare by bus is 78 cents; round trip fare by taxi is $1.50, one-way fare being $1.00. He stated that he has money to purchase the cars if the service is authorized, and Mr. and Mrs. Beatty, PUC No. 513, of Redcliff, have offered to lease three or four cars to him if he gets the authority; that he has been in business since 1939, said operation being conducted without profit until weekend business to and from Camp Hale developed; that he now is enjoying a small profit, but could not operate if his weekend business were cut; that sightseeing service cannot be furnished under O.D.T. regulations, and that in his opinion, three or four cars will handle the sightseeing business and the taxicab service required in Leadville after the war, unless there is a substantial increase in the population of Leadville.

One Bauer, a driver for Holmes, stated that some seven or eight people had been prosecuted for illegally hauling for hire between Leadville and Camp Hale; that on Friday preceding the hearing, he made five or six trips loaded one way; that about thirty or forty minutes notice is required in order to serve town calls on weekends, fifteen minutes being sufficient on weekdays; that eight or ten cars, at times prior to any bus schedules, could be used on weekends, normal travel between Hale and Leadville over weekends being about three hundred to four hundred.

Mrs. Beatty testified that her company had seven cars, four being in use; that they were willing to lease three to Holmes if he could procure authority to operate them.

Charles Fry, a restaurant operator in Leadville, stated that, in

his opinion, the number of soldiers in Leadville never exceeded five hundred; that many places in Leadville were "out of bounds", and that it was impossible for other hotels and cafes to feed or lodge more than that number; that he can seat thirty-six customers at one time in his restaurant; that the Silver Dollar can handle two hundred at one time; that he can serve about seven hundred meals in a day, and the Silver Dollar can serve the same number of meals; that local taxicab service from his restaurant has been furnished by Holmes on about five to ten minutes notice during weekdays, and thirty to forty minutes notice on weekends.

Tom McAuliffe, a Courtesy Patrolman, testified that all cabs between Hale and Leadville were fully loaded when operated; that he had observed hitch-hikers were more plentiful at the end of the month; that, on occasions, he had picked up some soldiers, and found they were walking because they did not have any money.

At the conclusion of the hearing, Mr. Jones suggested that we delay entering decision until Molloy's application to The Office of Defense Transportation for authority to operate cars in taxicab service was passed upon. Mr. Stockton joined in the request, on account of the fact that Mr. Holmes also had asked for, but had been denied authority for additional cars.

Since the hearing, we have been informed that Mr. Molloy's request for additional taxicabs had been denied, and Holmes' request for more cabs has been granted, he being authorized to place four additional taxicabs in service.

In view of that fact, and in view of the fact that there is no present need for additional taxicab service, or for sightseeing cars, we believe the application should be denied.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity do not require the proposed operation of applicant, and that said application should be

denied.

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same 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 22nd day of November, 1943.

BH

(Decision No. 21635)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALBERT GOSS)
General Delivery)
Garden City, Kansas.)
)

PERMIT NO. C-6109

November 22, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Albert Goss of General Delivery, Garden City, Kansas, requesting that his Permit No. C-6109 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-6109, heretofore issued to Albert Goss, General Delivery, Garden City, Kansas, be, and the same is hereby, declared cancelled effective November 12, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Edward D. Dressler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 43

(Decision No. 21636)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LEROY C. SWEGART)
Model,)
Colorado)
)

PERMIT NO. C-7256

November 22, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leroy C. Swegart of Model, Colorado, requesting that his Permit No. C-7256 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-7256, heretofore issued to Leroy C. Swegart, Model, Colorado, be, and the same is hereby, declared cancelled effective November 10, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 43

(Decision No. 21637)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ROBERT LEE BRADFORD)
Salida,)
Colorado.)
)
)

PERMIT NO. C-8266

November 22, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert Lee Bradford of Salida, Colorado, requesting that his Permit No. C-8266 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-8266, heretofore issued to Robert Lee Bradford, Salida, Colorado be, and the same is hereby, declared cancelled effective November 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward J. Donnelly

Walter Ericksen

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 1943

(Decision No. 21638)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WALTER J. HOFFMAN) PERMIT NO. C-523
Las Animas,)
Colorado)
)

November 22nd, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Walter J. Hoffman of Las Animas, Colorado, requesting that his Permit No. C-523 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-523, heretofore issued to Walter J. Hoffman, Las Animas, Colorado, be, and the same is hereby, declared cancelled effective November 8, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thorman

Edmund E. Keeley

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 43

(Decision No. 21639)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
STANDARD UPHOLSTERY CO.) PERMIT NO. C-1583
2263 Larimer St.)
Denver 2 Colo.)
)

November 23, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Standard Upholstery Co. of 2263 Larimer St, Denver 2 Colo, requesting that his Permit No. C-1583 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-1583, heretofore issued to Standard Upholstery Co., 2263 Larimer St. Denver, Colo., be, and the same is hereby, declared cancelled effective November 6, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry L. Johnson

Earnest E. Treece

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 23rd day of November, 19 43

(Decision No. 21640)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEORGE T. SHANAHAN) PERMIT NO. C-2389
Rt. 1,)
Boulder, Colorado)
)

November 23, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George T. Shanahan of Rt. 1, Boulder, Colo., requesting that his Permit No. C-2389 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-2389, heretofore issued to George T. Shanahan, Rt. 1, Boulder, Colorado, be, and the same is hereby, declared cancelled effective January 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomson

Edward J. Knauss

Malcolm Eggleston

Commissioners.

Dated at Denver, Colorado,

this 23rd day of November, 1943

(Decision No. 21641)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEO. SCHNEIDER)
Elba,)
Colorado.)
)

PERMIT NO. C-4746

November 23, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Geo. Schneider of Elba, Colorado, requesting that his Permit No. C-4746 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-4746, heretofore issued to Geo. Schneider, Elba, Colorado, be, and the same is hereby, declared cancelled effective November 8, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry A. Dubroff

/s/ Edward J. Donnelly

/s/ Matthew Eisenhower

Commissioners.

Dated at Denver, Colorado,

this 23rd day of November, 1943

(Decision No. 21642)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ROBT. CUMMING)
421 West 4th)
Julesburg, Colo.)
)

PERMIT NO. C-8409

November 23, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robt. Cumming, of 421 West 4th, Julesburg, Colo., requesting that his Permit No. C-8409 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-8409, heretofore issued to Robt. Cumming, 421 West 4th, Julesburg, Colorado, be, and the same is hereby, declared cancelled effective November 15, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Shawcross

Edward J. Bushell

Malcolm Ericsson

Commissioners.

Dated at Denver, Colorado,

this 23rd day of November, 19 43

(Decision No. 21643)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
E. C. POLHEMUS)
102 South 6th St.) PERMIT NO. C-8524
Lamar, Colorado.)
)

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. C. Polhemus of 102 South 6th St. Lamar, Colo., requesting that his Permit No. C-8524 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-8524, heretofore issued to E. C. Polhemus, 102 South 6th, Lamar, Colo., be, and the same is hereby, declared cancelled effective November 10, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Edward J. Keeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 1943.

(Decision No. 21644)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
BOOTH FISHERIES CORPORATION) PERMIT NO. C-9295
1716 Market St.)
Denver, 2, Colo.)
)

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Booth Fisheries Corporation of 1716 Market St., Denver, 2, Colo., requesting that his Permit No. C-9295 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-9295, heretofore issued to Booth Fisheries Corporation, 1716 Market St., Denver 2, Colorado, be, and the same is hereby, declared cancelled effective January 6, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 19 43

(Decision No. 21645)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
EPPY WINE CO)
206 S Union,)
Pueblo, Colorado.)
)

PERMIT NO. C-8382

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Eppy Wine Co. of 206 S Union, Pueblo, Colorado, requesting that his Permit No. C-8382 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-8382, heretofore issued to Eppy Wine Co., 206 S Union, Pueblo, Colorado. be, and the same is hereby, declared cancelled effective November 13, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 19 43

(Decision No. 21646)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ROY E. JOHNSON)
Arriba) PERMIT NO. B-1104
Colorado)
)

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Roy E. Johnson of Arriba, Colorado, requesting that his Permit No. B-1104 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-1104, heretofore issued to Roy E. Johnson, Arriba, Colorado be, and the same is hereby, declared cancelled effective November 5, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 1943

(Decision No. 21647)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY AND COLORADO AND SOUTHERN RAILWAY COMPANY, FOR AUTHORITY FOR THE OPTIONAL USE OF REFLECTOR SWITCH SIGNALS ON THEIR LINES IN COLORADO.

APPLICATION NO. 6507

November 24, 1943.

S T A T E M E N T

By the Commission:

On October 30, 1943, the Chicago, Burlington & Quincy Railroad Company and The Colorado and Southern Railway Company, by H. M. Boyle and J. L. Rice, their attorneys, filed an application with the Commission for authority to substitute, at their option, a reflector type of switch lamps for the ordinary kerosene switch lamps.

Each applicant owns and operates main lines of railroad in the State of Colorado, with appurtenant branches, sidetracks, spurs, and switches, on which switches they presently employ the commonly used oil switch lamps as signals to indicate at night the position of such switches.

They allege that oil lamp type of switch lamp is improper in that the lamp flame may be extinguished by wind or storm or go out as a result of oversight in replacing the oil, leakage of oil or unanticipated failure in some part of the lamp, and is lacking in the desired brilliance and carrying power of the light rays.

The application is supported by the findings of the Commission's Railway Engineer, made in Application No. 5645 re The Denver and Rio Grande Western Railroad Company. In Decision No. 17596, the Commission found that from the record the safety of the public or employes of the railroad is not jeopardized, but on the contrary is enhanced and therefore found that the substitution was justified, subject to any protest filed by any responsible

interest, or to any revisions that may be found necessary from experience in the use of the lamps.

The Commission, therefore, from the record before it, finds that a properly designed reflector type of light for a switch lamp is suitable for use at all main or sidetrack switches used to indicate the position of switch points, except in yards or terminals where a car or cars are placed ahead of the engines in switching, and that an order in this matter may be made accordingly.

O R D E R

IT IS ORDERED:

That Chicago, Burlington & Quincy Railroad Company and The Colorado and Southern Railway Company be, and they are hereby, permitted to use, in the State of Colorado, at their option, a properly designed type of reflector switch lamp on any main and sidetrack switch in lieu of the ordinary oil switch lamp, except in yards or terminals where in switching cars, a car or cars are placed ahead of the engine or where other conditions exist that might prevent proper reflection of the lamp from the head light.

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 24th day of November, 1943.

BH

(Decision No. 21648)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF COLORADO-MONTANA MINES ASSOCIATION, 4307 TEJON STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF MINING MACHINERY AND EQUIPMENT AND SUPPLIES, AND ORE AND CONCENTRATES BETWEEN POINTS WITHIN THE FOLLOWING AREAS: 10-MILE RADIUS OF KOKOMO; 10-MILE RADIUS OF MONTEZUMA; 25-MILE RADIUS OF ASPEN; 25-MILE RADIUS OF SILVERTON; AND BETWEEN POINTS IN THESE AREAS AND BETWEEN POINTS IN THESE AREAS AND DENVER AND LEADVILLE, COLORADO.

APPLICATION NO. 6461-PP

November 22, 1943.

Appearances: J. B. Ross and Carl H. Peterson, 4307 Tejon St., Denver, Colorado, for applicants;
Marion F. Jones, Esq., Denver, Colorado, for Gately Motor Company, Roy E. Kohl, and Partridge Transfer.

S T A T E M E N T

By the Commission:

At the hearing, which was held in Leadville, Colorado, on October 7, 1943, it developed that the equipment with which it is proposed to operate if authority is granted, was owned by the Kokomo-Kimberly Company, a mining corporation, who would be the actual operators, and request was made that the name of applicant be changed to conform to the facts. No objections were interposed to said change and same was permitted.

The evidence disclosed that the service proposed would be limited to certain designated mining property, or such other mining properties as said companies, associations, or partnerships might obtain control of for the purpose of operation, either through bond and lease or straight lease, the ownership of said properties all being vested in the same group of

individuals that own and operate the Kokomo-Kimberly property.

Mr. J. B. Ross, an executive of these various mining companies and in charge of operations, testified that some trouble had been experienced in obtaining transportation service; that the companies all desire, where possible, to have their ores and concentrates transported by for-hire carriers, but that in some instances it would be necessary for the companies to do their own hauling or to have one company do the hauling for other companies; that for-hire carriers would ordinarily be used in the transportation of supplies and mining equipment, but in emergency cases, authority was desired to transport these commodities as well as ores and concentrates.

Protestants objected to the issuance of a permit authorizing service to the Kokomo-Montezuma districts on the ground that said Kokomo-Kimberly mine operations were in those districts, and that any transportation of their own products should be under a "C" rather than a "B" permit. Protestants did not like to see another for-hire permit authorized in said territory, although otherwise they had no objection to the issuance of the permit if confined to the properties owned and operated by applicant and its subsidiaries and associates.

It is possibly true that the Kokomo-Kimberly Company will be transporting some of its own supplies, but it will also be serving other companies in the combination, and we believe the objection of protestants will be met if the operations herein authorized are limited to the emergency of the war situation. Mr. Ross testified that they were endeavoring to produce lead, zinc and copper to aid in the war effort, and as pointed out in Application 5328-B, Decision 21444, which case presents almost identical facts to those disclosed in the instant record, we do not think that the application should be considered with technical rules and distinctions in mind.

Applicant owns two trucks, and its financial standing and operating reliability were established to the satisfaction of the Commission.

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

O R D E R

IT IS ORDERED:

That the Kokomo-Kimberly Company, a corporation, be, and it is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of mining equipment and supplies, and ore and concentrates, between points within the following areas: 10-mile radius of Kokomo; 10-mile radius of Montezuma; 25-mile radius of Aspen; 25-mile radius of Silverton; and between points in these areas and Denver and Leadville, Colorado, for the duration of the war, only, said operations to be limited to service for the Colorado-Montana Mines Association, Summit County Lead and Zinc Company, New York Mining and Milling Company, Brophy Ryan Lead Company, General Teller Mining Association, Martin Mining Company, Goodman Mining Company, all of Montezuma; Walter Bryan of Kokomo, Monarch Mine of Breckenridge, Montezuma & Tamoshanter Mine at Aspen, London-Boston-DeWitt Mine at Silverton, and Denip Martin Mine at Montezuma, and such other property as applicant may, through purchase, lease, or bond and lease, obtain control of and operate.

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 its 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 its compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders

of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ D Sherman

Edward E. Keller

Susan Epiron

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1943.

BH

(Decision No. 21649)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FLOYD ROSE) PERMIT NO. C-11567
221 Spruce,)
Julesburg, Colo.)
)

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Floyd Rose of 221 Spruce, Julesburg, Colo., requesting that his Permit No. C-11567 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-11567, heretofore issued to Floyd Rose, 221 Spruce, Julesburg, Colorado, be, and the same is hereby, declared cancelled effective November 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 19 43

(Decision No. 21650)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
IRVIN BLUMENTHAL)
2219 Spruce St.)
Boulder, Colo.)
)

PERMIT NO. C-13625

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Irvin Blumenthal of 2219 Spruce St., Boulder, Colo., requesting that his Permit No. C-13625 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-13625, heretofore issued to Irvin Blumenthal, 2219 Spruce St., Boulder, Colo., be, and the same is hereby, declared cancelled effective November 14, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 1943.

(Decision No. 21651)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MERRITT GNEISER)
Steamboat Springs,)
Colorado.)
)

PERMIT NO. C-14657

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Merritt Gneiser of Steamboat Springs Colorado, requesting that his Permit No. C-14657 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-14657, heretofore issued to Merritt Gneiser, Steamboat Springs, Colorado be, and the same is hereby, declared cancelled effective November 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 1943.

(Decision No. 21652)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ODELL COFFEY)
Dove Creek,) PERMIT NO. C-14670
Colorado)
)

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Odell Coffey of Dove Creek, Colorado, requesting that his Permit No. C-14670 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-14670, heretofore issued to Odell Coffey, Dove Creek, Colorado, be, and the same is hereby, declared cancelled effective November 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward D. Creeley

Malcom Ericson

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 1943

(Decision 21653)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
PAUL E. SCOTT)
Pratt,)
Kansas.) PRIVATE PERMIT NO. B-1812-I

November 30, 1943.

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 Permit No. B-1812-I be suspended for a period of the duration of the war and six months thereafter, from October 31, 1943.

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 ORDERED:

That Paul E. Scott, of Pratt, Kansas, be, and he is hereby, authorized to suspend his operations under Permit No. B-1812-I for a period of not to exceed the duration of the present war and six months thereafter, from October 31, 1943.

That unless said Paul E. Scott shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this 30th day of November 1943.

(Decision No. 21654)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
EARL TEMPLE) PERMIT NO. A-2047
P O Box 114,)
Wellington, Colo)
)

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Earl Temple of P O Box 114, Wellington, Colo., requesting that his Permit No. A-2047 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-2047, heretofore issued to Earl Temple, P O Box 114, Wellington, Colo., be, and the same is hereby, declared cancelled effective November 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 19 43

(Decision No. 21655)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. T. WILLIAMSON)
3275 S Santa Fe) PERMIT NO. B-2819
Englewood, Colo)
)

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. T. Williamson of 3275 S Santa Fe, Englewood Colo., requesting that his Permit No. B-2819 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-2819, heretofore issued to J. T. Williamson, 3275 S Santa Fe, Englewood, Colo., be, and the same is hereby, declared cancelled effective January 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry L. Atkinson

Edward C. Keller

Walcott Erickson

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 1943

(Decision No. 21656)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SAM DAINES)
3847 Fox St.)
Denver,11,Colorado.)
)

PERMIT NO. B-2943

November 24, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sam Daines, of 3847 Fox St., Denver, 11, Colo., requesting that his Permit No. B-2943 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-2943, heretofore issued to Sam Daines, 3847 Fox St., Denver, 11, Colorado be, and the same is hereby, declared cancelled effective November 13, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

David D. Keller

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 24th day of November, 1943

(Decision No. 21657)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF COLORADO RAILROADS FOR INCREASES IN INTRASTATE FREIGHT RATES AND CHARGES, AND PASSENGER FARES, IN LINE WITH INCREASES IN INTERSTATE FREIGHT RATES AND CHARGES APPLIED FOR IN I.C.C. DOCKET EX PARTE 148.

APPLICATION NO. 5819

November 24, 1943

Appearances: Walter M. Campbell, Esq., Commerce Attorney for The Denver and Rio Grande Western Railroad Company;
E. G. Knowles, Esq., Denver, Colorado, for Union Pacific Railroad Company;
J. H. Shepherd, Esq., Telephone Building, Denver, Colorado, for The Denver and Salt Lake Railway Company;
Douglas McHendrie, Esq., Equitable Building, Denver, Colorado, for The Atchison, Topeka and Santa Fe Railway Company;
J. H. Cummins, Esq., Denver, Colorado, for The Colorado and Southern Railway Company and Chicago, Burlington and Quincy Railroad Company;
G. A. Hoffelder, Chicago, Illinois, for Chicago, Burlington & Quincy Railroad Company;
E. D. Speer, Topeka, Kansas, for The Atchison, Topeka and Santa Fe Railway Company;
G. W. Carleton, 515 17th St., Denver, Colorado, for Missouri Pacific Railroad Company;
A. C. Mattson, 1200 Fidelity Building, Kansas City, Missouri, for The Chicago, Rock Island & Pacific Railroad Company;
A. J. Stilling, Omaha, Nebraska, for Union Pacific Railroad Company;
F. C. Hogue, General Traffic Manager, The Denver and Rio Grande Western Railroad Company; George Williams and W. M. Carey, Denver, Colorado, for The Denver and Rio Grande Western Railroad Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association;
Chamber of Commerce, Pueblo, Colorado; Lowe P. Siadons, Esq., and F. H. Orgren, P.O. Box 1052, Colorado Springs, Colo., for the Holly Sugar Corporation;

E. B. Evans, Esq., Denver, Colorado,
for The Public Utilities Commission;
Monroe P. Hester, Denver, Colorado,
for Great Western Sugar Company;
George Work and L. E. Fitzpatrick, Denver,
Colorado, for the Colorado Milling &
Elevator Company;
F. O. Sandstrom, Denver, Colorado, for the
Colorado-New Mexico Coal Operators;
A. J. Baumann, Denver, Colorado, for
Armour & Company;
R. W. Lentz, Denver, Colorado, Traffic Manager,
Swift & Co.; Denver, Colorado;
A. Brester, Denver, Colorado, Traffic Manager,
Cudahy Packing Company;
John R. Wolf, Esq., Boulder, Colorado,
for the Boulder County Metal Mining
Association;
D. I. McCarl, Denver, Colorado,
for Colorado Potato Growers' Exchange;
F. J. Rebhan, Denver, Colorado, for
American Crystal Sugar Company;
R. L. Ellis, Denver, Colorado,
for Kuner Empson Company;
E. K. Wilson, Denver, Colorado,
for Rocky Mountain Produce Company;
T. S. Wood, Denver, Colorado, for
Public Utilities Commission;
Reginald C. Carey, Sugar City, Colorado,
Vice President, National Sugar
Manufacturing Company.

S T A T E M E N T

By the Commission:

On April 30, 1943, by Decision No. 20875, this Commission suspended from May 15, 1943 to December 31, 1943, the increases in freight rates and charges authorized in Decision No. 18528. This action was taken after the Interstate Commerce Commission had entered a similar order in Ex Parte No. 148. On November 8, 1943, the Interstate Commerce Commission entered its order further suspending said increases to and including June 30, 1944.

This Commission is now in receipt of a letter from W. M. Campbell, Commerce Attorney for The Denver and Rio Grande Western Railroad Company as Chairman of the Colorado Committee of the Western Traffic Executive Committee of Railroads Operating in Colorado, advising that it is the desire of carriers by rail in Colorado to suspend voluntarily the increases in rates and charges on intrastate freight traffic in Colorado to the same extent as they may be removed on interstate traffic,

and for the same period of time as that covered by the Interstate Commerce Commission in Ex Parte No. 148.

The Commission finds that the increases in freight rates and charges authorized under Decision No. 18528 of March 16, 1942, and suspended until January 1, 1944, under Decision No. 20875 of April 30, 1943, should be further suspended to and including June 30, 1944, in conformity with the order of the Interstate Commerce Commission dated November 8, 1943, in Ex Parte No. 148.

O R D E R

IT IS ORDERED, That the increases in freight rates and charges authorized under Decision No. 18528, dated March 16, 1942, and suspended during the period May 15, 1943 to December 31, 1943, inclusive, under Decision No. 20875, dated April 30, 1943, be, and the same are hereby, further suspended for the period January 1, 1944, to June 30, 1944, inclusive, to the same extent as the same has been further suspended on interstate freight traffic by the Interstate Commerce Commission in its order of November 8, 1943, in Ex Parte No. 148; that all common carriers by railroad, parties to the original petition, operating as such within the State of Colorado, be, and they are hereby, required to publish schedules in accordance with the findings and order contained herein, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act; that this order shall become effective twenty days from the date hereof; that jurisidction of the instant matter shall be retained.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Sherman

Edward D. Watrous

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1943

JH

(Decision No. 21658)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
M. F. MURPHEY)
1110 Lake St.)
Pueblo, Colorado)
)

PERMIT NO. C-1441

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. F. Murphey of 1110 Lake St., Pueblo, Colo., requesting that his Permit No. C-1441 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-1441, heretofore issued to M. F. Murphey, 1110 Lake St., Pueblo, Colo., be, and the same is hereby, declared cancelled effective November 15, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 19 43.

(Decision No. 21659)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WILMA E. MILLS)
1012 LaPorte)
Ft. Collins, Colo.)
)

PERMIT NO. C-1657

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Wilma E. Mills, of 1012 L aporte, Ft. Collins, Colo., requesting that his Permit No. C-1657 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-1657, heretofore issued to Wilma E. Mills, 1012 LaPorte, Ft. Collins, Colo. be, and the same is hereby, declared cancelled effective November 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward J. Keller

Malcom Eggleston

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 1943

(Decision No. 21660)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FRED NIES & SON) PERMIT NO. C-2872
Erie,)
Colorado.)
)

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred Nies & Son of Erie, Colorado, requesting that his Permit No. C-2872 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-2872, heretofore issued to Fred Nies & Son, Erie, Colorado, be, and the same is hereby, declared cancelled effective November 20, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward E. Breen

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 19 43

(Decision No. 21661)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
M. MEDILL SARKISIAN)
615 E 12th Ave.)
Denver 3, Colo.)
)

PERMIT NO. C-5616

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. Medill Sarkisian of 615 E 12th Ave., Denver 3, Colo., requesting that his Permit No. C-5616 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-5616, heretofore issued to M. Medill Sarkisian, 615 E. 12th Ave. Denver, 3, Colorado, be, and the same is hereby, declared cancelled effective November 8, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 1943.

(Decision No. 21662)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TIDWELL FUEL & FEED CO)
1700 Texas Str.) PERMIT NO. C-8479
El Paso, Texas.)
)

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tidwell Fuel & Feed Co. of 1700 Texas Str., El Paso, Texas, requesting that his Permit No. C-8479 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-8479, heretofore issued to Tidwell Fuel & Feed Co., 1700 Texas Str., El Paso Tevas, be, and the same is hereby, declared cancelled effective November 15, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O Johnson

Edward D Dudley

Malcom Ericsson

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 19 43

(Decision No. 21663)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LOUIS HARTBAUER)
Box 141,)
Westcliffe, Colo.)
)

PERMIT NO. C-9268

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Louis Hartbauer of Box 141, Westcliffe, Colo., requesting that his Permit No. C-9268 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-9268, heretofore issued to Louis Hartbauer, Box 141, Westcliffe, Colorado. be, and the same is hereby, declared cancelled effective November 17, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward D. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 19 43

(Decision No. 21664)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
OTTIS HAMILTON)
1213 E Bluff St.)
Ft. Worth, 3, Texas.)
)

PERMIT NO. C-14625

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ottis Hamilton of 1213 E Bluff St., Ft. Worth 3, Texas, requesting that his Permit No. C-14625 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-14625, heretofore issued to Ottis Hamilton, 1213 E Bluff St., Ft. Worth, 3, Texas, be, and the same is hereby, declared cancelled effective November 13, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 19 43

(Decision No. 21665)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FRED NIES & SON)
Erie,)
Colorado)
)

PERMIT NO. B-1632

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred Nies of Erie, Colorado, requesting that his Permit No. B-1632 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-1632, heretofore issued to Fred Nies & Son , Erie, Colorado, be, and the same is hereby, declared cancelled effective November 20, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Keeley

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 19 43

(Decision No. 21666)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WESTERN PAVING & CONSTRUCTION CO.)
5230 Washington St.) PERMIT NO. B-2975
Denver, 16, Colorado)
)

November 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Western Paving & Construction Co. of 5230 Washington St. Denver 16, Colo., requesting that his Permit No. B-2975 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-2975, heretofore issued to Western Paving & Construction Co. 5230 Washington St. Denver 16 Colo. be, and the same is hereby, declared cancelled effective November 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 30th day of November, 19 43

(Decision No. 21667)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
G. M. BROWN, ALAMOTA, KANSAS,) CASE NO. 31147-Ins.
PERMIT NO. C-10581.)

November 27, 1943.

S T A T E M E N T

By the Commission:

On October 16, 1943, the Commission made an order revoking Permit No. C-10581 for failure to have on file the necessary insurance required by law. It now appears that due to a typographical error in our records, proper insurance, which was on file, had not been shown under the name of respondent, and that as a matter of fact, proper insurance was at all times on file with the Commission. Request has been made to reinstate said permit.

After 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 of October 16, 1943, in the instant matter be, and the same is hereby, set aside, and Permit No. C-10581 is reinstated, effective as of October 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Geo. L. Sherman

/s/ Earl E. Keller

/s/ Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 27th day of November, 1943.

BH

Original

(Decision No. 21668)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

RE MOTOR VEHICLE OPERATIONS OF V. T. THOMPSON, 315 EAST PLATTE AVENUE, COLORADO SPRINGS, COLORADO.	PUC NO. 106
RE MOTOR VEHICLE OPERATIONS OF J. M. THOMPSON, 315 EAST PLATTE AVENUE, COLORADO SPRINGS, COLORADO.	PUC NO. 807
RE MOTOR VEHICLE OPERATIONS OF ED TARMAN, 722 WEST CUCHARRAS STREET, COLORADO SPRINGS, COLORADO.	PUC NO. 704
RE MOTOR VEHICLE OPERATIONS OF CLEO L. STARKS, 132 EAST PIKES PEAK AVENUE, COLORADO SPRINGS, COLORADO.	PUC NO. 107

November 27, 1943.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants;
J. A. Carruthers, Esq., Colorado Springs, Colorado, for Yellow Cab Company;
Strachan and Horn, Esqs., Colorado Springs, Colorado, and
Ralph L. Carr, Esq., Denver, Colorado for Colorado Springs Bus Company.

S T A T E M E N T

By the Commission:

Applicants, severally, are authorized to operate sightseeing and auto livery service under their respective certificates, with headquarters at Colorado Springs, Colorado.

They were permitted to suspend operations under their respective certificates because the Office of Defense Transportation, in the early

fall of 1942, prohibited all sightseeing service by motor vehicle.

They now seek to reinstate their certificates, and to that end, have filed formal applications and the necessary insurance with the Commission.

At the hearing in Colorado Springs on September 30, 1943, it appeared that they do not expect to engage in sightseeing service, but want to furnish service under their auto livery authorities. Apparently, some of them contemplate combining their operations under their auto livery certificates and the authority granted them to operate between Colorado Springs and Peterson Field, and between Colorado Springs and Camp Carson. In the last-mentioned proceedings, they were required to operate from and to a fixed terminus in Colorado Springs, and were not allowed to pick up and discharge passengers promiscuously in Colorado Springs. This was to meet objections of the City of Colorado Springs.

At the hearing in Colorado Springs, Colorado, Mr. Wendelken, City Attorney, appearing for the city, gave the City's position. He stated that the City believes that the for-hire auto service in Colorado Springs is getting out of hand; that many of the cab operators have been taking passengers any place within, without, and from and to the city; that they are competing with city busses and Yellow Cab taxicabs, without being licensed as taxicabs; that the City has determined that "a stop has to be called" somewhere; that the activities of the so-called taxi operators must be curtailed, in order that the City may insure for the future adequate bus and taxi service by duly licensed operators.

We know of no reason why the certificates should not be reinstated, and why applicants should not engage in auto livery service at the rates prescribed in their auto livery certificates, but in reinstating said certificates, we do not grant any authority to directly or indirectly combine their operations within the City of Colorado Springs with operations under their respective operating rights to

serve Camp Carson and Peterson Field.

With that understanding, after careful consideration of the record, the Commission is of the opinion, and finds, that said certificates should be reinstated.

O R D E R

IT IS ORDERED:

That PUC No. 106, of V. T. Thompson, PUC No. 807, of J. M. Thompson, PUC No. 704, of Ed Tarman, and PUC No. 107, of Cleo L. Starks, be, and the same hereby are, reinstated and restored to active status.

That applicants be, and they hereby are, required to file proper tariffs of rates and charges in compliance with the order of the Commission fixing auto livery and sightseeing rates, Decisions Nos. 15523, 17012, and 21053.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of November, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HARRISON S. COBB d/b/a)
INGRAM LEASE) PRIVATE PERMIT NO B-2857
Salina Route, Boulder, Colo.)

November 30, 1943

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 Permit No. B-2857 be suspended for a period of six months from November 2, 1943.

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 ORDERED:

That Harrison S. Cobb, d/b/a/ Ingram Lease, of Salina Route, Boulder, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2857 for a period of not to exceed six months from November 2, 1943.

That unless said Harrisson S. Cobb, d/b/a/ Ingram Lease, shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 30th day of November 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE)
APPLICATION OF)
ALBERT ENGELKER)
Julesburg, Colorado)

APPLICATION NO. 6446 PP

November 30, 1943.

S T A T E M E N T

By the Commission:

On October 20, 1943 by Decision No. 21468, in Application No. 6446PP, Albert Engelker of Julesburg, Colorado was granted authority to operate as a Class "B" private carrier by motor vehicle for hire.

The Commission is now in receipt of a communication from said permit holder, requesting that said authority 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 the authority granted to Albert Engelker, in Application No. 6446 PP by Decision No. 21468, be, and the same is hereby declared cancelled effective November 12, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of November 1943.

(Decision No. 21671)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
PAUL J. MOYNIHAN, 1623 GRAPE STREET,) APPLICATION NO. 5889-PP-B
DENVER, COLORADO, FOR AN EXTENSION)
OF PERMIT NO. B-2734.)

November 30, 1943.

Appearances: Chas. W. Sheldon, Esq., Capitol Life Building, Denver, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association and the Common Carrier Division of The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

On April 28, 1942, by Decision No. 18762, applicant was granted a Class "B" permit authorizing.-

> ". . the transportation of sand, gravel, and construction materials used by contractors, consisting of cement, mixed or dry, structural steel, structural forms and machinery, all of which may only be transported in dump trucks, said movements outside of the sand and gravel, to be in the nature of emergency shipments, all within a 100-mile radius of any construction job in the State of Colorado; provided, however, that all service under this permit shall be limited to J. B. Bertrand, Inc., and Peter Kiewit Sons Company, and no customers may be added to said list without the consent of the Commission after due notice and hearing thereon."

The instant application, which was heard in Denver on November 16, 1943, seeks to extend services under said permit, which has been designated "B-2734", by the removal of the limitation that only the above-named two customers may be served, and by the inclusion of dirt and road surfacing materials as commodities which may be transported under said permit.

Testifying in his own behalf, applicant stated that he now owns sixteen trucks, including 11 dump trucks, two pickups, one panel, one semi-trailer, and one gas tank, the latter being used only for the purpose of serving his own equipment. He further testified that a number of contractors had sought his services, but, due to the limitation upon his customers, he had been unable to accept said employment. He further stated that he was willing to eliminate any competition with established common carrier over-the-road operations, and would limit his service to the operation of dump trucks, except for the use of his semi-trailer for the transportation of authorized commodities from the nearest rail head or unloading point to the job only when not in competition with line haul carrier operations and to actual services upon the job.

In view of this limitation, all objections to the granting of the extension sought were withdrawn.

The financial standing and ability of applicant to conduct the proposed extended service were established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that, as limited by the testimony, the extension sought should be granted.

O R D E R

IT IS ORDERED:

That Paul J. Moynihan, of Denver, Colorado, be, and he is hereby, authorized to conduct the following operations under Permit B-2734 in lieu of those heretofore authorized under Decision No. 18762, to-wit:

To transport dirt, sand, gravel, construction materials used by contractors, road surfacing materials, cement (mixed or dry), structural steel, structural forms and machinery, between points within a 100-mile radius of any construction job in the State of Colorado; provided, however, that said operations shall be limited to the use of dump trucks, except that applicant may use a semi-trailer for the transportation of any of the above-named

commodities from the nearest rail head or unloading point to the job and upon the job, and provided further that the movement from the nearest rail head or unloading point is not in competition with established common carrier service.

IT IS FURTHER ORDERED, That the limit of two customers contained in the original permit shall be removed, and applicant may file such new and additional customers as he may desire, provided he at all times keeps his operations within the restrictions of a private carrier.

This order is made 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 November, 1943.

BH

Original

(Decision No. 21672)

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 (Discontinuance of Proceeding Re 15% Increase in Rates of McKie Transfer Co. et al.)

November 29, 1943

S T A T E M E N T

By the Commission:

On October 27, 1943, Decision No. 21497, the Commission reopened Case No. 1585 for the purpose of considering a petition for a fifteen (15) per cent. increase in the rates of the following motor vehicle carriers:

McKie Transfer Company
Southwestern Transportation Co.
Consolidated Motor Freight, Inc.
North Eastern Motor Freight, Inc.
Buckingham Transportation Co.
Colorado Rapid Transit Co.,Inc.
Burlington Transportation Co.
Edward C. Mason, d.b.a. Over-Land Motor Express Co.
Denver-Loveland Transportation.

The matter was set for public hearing on November 30, 1943, at 10 o'clock A.M. at the Hearing Room of the Commission, Denver, Colorado.

On November 27, 1943, the Commission received a request from The Motor Truck Common Carriers' Association as Agent for and on behalf of the above named carriers to vacate and set aside its Decision No. 21497, without prejudice to any future application that may be filed.

The Commission finds that the hearing in the above matter now set for November 30, 1943, should be vacated and cancelled and the proceeding be discontinued without prejudice to any future application.

O R D E R

IT IS ORDERED, That the hearing on the petition of the Motor Truck Common Carriers' Association, Agent for and on behalf of McKie Transfer Co., Southwestern Transportation Co., Consolidated Motor Freight, Inc., North Eastern Motor Freight, Inc., Colorado Rapid Transit Co., Inc., Burlington Transportation Co., Edward C. Mason, d.b.a. Overland Motor Express Co., Buckingham Transportation Co., and Denver-Loveland Transportation, for a fifteen (15) per cent increase in rates be, and the same is hereby, vacated and cancelled, and that the proceeding be discontinued without prejudice; that this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thomas

Edwards C. Starkey

Newman Epperson

Commissioners.

Dated at Denver, Colorado,
this 29th day of November, 1943
JH

(Decision No. 21673)

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PROPOSED CHANGES IN THE RATES ON PETROLEUM AND PETROLEUM PRODUCTS IN BULK IN TANK TRUCKS BETWEEN POINTS WITHIN THE STATE OF COLORADO VIA THE LINE OF WILMA L. MARKLEY AND S. A. MARKLEY, DOING BUSINESS AS "M. & M. TRUCK COMPANY."	)	INVESTIGATION AND SUSPENSION DOCKET NO. 252

November 30, 1943

STATEMENT

By the Commission:

There has been filed with this Commission, by S. A. Markley, a tariff containing schedules stating new individual rates and charges, to become effective on the 10th day of December, 1943, designated as follows:

Wilma L. Markley and S. A. Markley
Doing Business as
"M. & M. Truck Company"
Motor Freight Tariff No. 2,
Colo. P.U.C. No. 2.

The said schedules make certain increases in rates for the intrastate transportation of petroleum and petroleum products, whereby the rights and interests of the public may be injuriously affected. It is the opinion of the Commission, and it so finds, that the effective date of said schedules contained in said tariff should be postponed, pending a hearing concerning the lawfulness of the rates and charges stated in the said schedules contained in said tariff.

ORDER

IT IS ORDERED:

That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the rates and charges stated in the schedules contained in said tariff; that the opera-

tion of the said schedules contained in said tariff be suspended, and that the use of the rates and charges, regulations and practices therein stated be deferred 120 days, or until April 7, 1944, unless otherwise ordered by the Commission, and no change shall be made in such rates, charges, regulations and practices during the said period of suspension; that the rates and charges and the regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of, or until the period of suspension or any extension thereof has expired; that a copy of this order be filed with said schedules in the office of the Commission, and that copies hereof be forthwith served upon Wilma L. Markley and S. A. Markley, doing business as "M. & M. Truck Company," East 59th Avenue on Highway No. 6, Denver, 16, Colorado; that this proceeding be, and the same is hereby, assigned for hearing January 11, 1944, 10:00 o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1943.

mw

Original

(Decision No. 21674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF GEORGE P. ARCHBALD, DOING BUSINESS AS LIND MOVING AND STORAGE COMPANY, 610 E. 17th AVENUE, DENVER, COLORADO, AND J. & D. TRANSFER COMPANY, FOR HIMSELF AND OTHERS SIMILARLY SITUATED, FOR EXCEPTION AS TO THE PROVISION OF THE PUBLIC UTILITY ACT, OR A SPECIAL PERMIT THEREUNDER.

APPLICATION NO. 6322

December 4, 1943.

Appearances: E. V. Holland, Esq., Denver, Colorado, attorney for applicant;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
A. A. Brooks, Jr., Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company and Rio Grande Motor Way, Inc.;
Louis A. Tietgen, Denver, Colorado, for Berkeley Moving and Storage Company;
Harold Swena, Golden, Colorado, pro se.

S T A T E M E N T

By the Commission:

The application as filed seeks authority to transport household goods and equipment for workers and employes in the war industry, as well as other materials, from and to Denver to and from points within a 15-mile radius thereof. However, at the hearings held in Denver on May 20 and June 9, 1943, applicant restricted his application to household goods, only. Said application also was filed in the name of applicant and "others similarly situated who may be able to qualify", but at the hearings, the Commission ruled that only testimony concerning applicant's case would be received and no "blanket application" would be considered.

Said application also requests the Commission to either exempt applicant from the provisions of the Public Utility Act, or in lieu thereof, grant him a special private carrier permit for the 15-mile radius around Denver.

Testifying in his own behalf, applicant stated that he does business as the Lind Moving and Storage Company, and is a member and vice-president of an independent association of movers of household goods in Denver, which has a membership of eighteen who are licensed by the City upon the payment of a $10.00 license fee; that formerly his calls for services outside of Denver would run about six per cent of his business, but this had now increased to eighteen per cent; that he always told those who desired service outside the corporate limits to get someone who had a public utility authority, but that two-thirds of these would call back and say they could not get service, as the authorized operators were all busy, or at least, it would take from a week to ten days. In the opinion of the witness, fifteen miles would cover the territory they need; although the distance for outside service would average about 6 miles.

The president of the independent association, who operates under the name of The Ace Moving and Storage Company, and has so operated since 1919, testified that a housing shortage existed in Denver and surrounding territory; that there were very few vacant houses in Denver, which had increased the outside movement of household goods; that he receives approximately 20 calls a month for outside service and doesn't believe the larger companies at this time have the experienced men that are necessary to properly move furniture.

On behalf of protestants, the manager of the Beuhler Transfer Company testified that his company is authorized to serve in Denver as well as outside area; that they handle from 6 to 8 movements a month; that business can always be taken care of within three days at the latest; that they have the personnel to properly handle the moving business and own and operate four moving vans, as well as two stake body trucks in Denver. They have

12 employes, and in the opinion of the witness, the peak of the moving business was reached in the fall of 1942 and is now on an even keel; that some of their equipment was idle part of the time; that not over ten per cent of their business would be outside the corporate limits of Denver; that once or twice a month, three days might be required before service could be rendered, but this was the exception rather than the rule.

Mr. Johnson, of the Johnson Storage and Moving Company, testified that his company is authorized to serve both in and out of Denver; that their calls for outside service would average from ten to twelve a month; that they own and operate four moving vans and one stake body truck; that no one has ever been turned down and they have not lost more than one or two moves in the past year because they could not be handled immediately; that a year ago, they had very little notice of furniture moves, but in the last six months, much more notice was being given, and at the time of the hearing, the usual time for taking orders was from two to ten days before service was required; that trucks average nine hours a day in use and not over five per cent of their business was outside of Denver; that on the 1st and 15th of the month was the peak for furniture, and in his opinion the general movement of furniture peak was reached last fall and is now diminishing.

A representative of Weicker Transfer and Storage Company testified that said company has 44 moving vans and 39 trucks used for moving furniture in Denver; that they have about 400 employes and switch them around on the moving work as needed; that they have never had any trouble in giving service when desired, and if called in the morning, could serve in the afternoon. He further testified that they average about 10 calls a month for outside service and the average distance for outside calls was about five miles. Upon cross-examination, he testified that about 100 of their employes were capable of operating their moving vans and that, in his opinion, about 50 per cent of the calls received come from former customers; that on the average, calls

were made three or four days in advance of the service desired. In his opinion, the moving business had been on a fairly level basis for several years.

A representative of the Amick Transfer and Storage Company testified that his company has authority to serve in and out of Denver, and they own and operate three moving vans and three stake body trucks; that for the last five-month period, they had had calls for 27 movements out of Denver, all of which had been promptly handled; that customers usually gave from two to five days notice before service was desired; that they had experienced help and their drivers had been with them for from 6 months to four years; that of the 27 outside movements, the majority of same were within a 5-mile radius; that, in his opinion, the business outside of Denver had remained on about the same level for some time.

A representative of the U. S. Transfer and Storage Company, who is president of the Colorado Transfer and Warehousemen's Association, testified that said association had been in existence for four years and has sixteen members in Denver besides outside members; that eight of the Denver operators confine their operations to the movement of household goods exclusively, while the balance move other commodities; that the total equipment of the members of the association consists of 66 moving vans, 152 stake body trucks, and 65 trailers and semi-trailers; that from May 31, 1943, 2340 movements of household furniture were made in Denver and 122 movements into suburban areas or the reverse; that 75 per cent of the suburban area movements were within 5 or 6 miles of Denver; that five members of their association do not have authority outside of Denver; that for about four months after the outbreak of the war, there was an increase in the movement of household furniture to suburban points, but that the peak was reached within six months after war broke out and has now started to drop; that there is no such thing as a regular customer in the moving business, and that members of the association refer calls to each other if they are unable to handle same promptly; that all drivers employed are union men and experienced; that altogether 21 call

and demand operators who handle household goods, are authorized to go outside of the corporate limits of Denver, as well as a number of line haul carriers who transport furniture.

Under the law, the Commission, in determining matters of this kind, must find that the public convenience and necessity require the proposed service. It is obvious that we cannot set the law aside and grant exemption to anyone from the provisions of said law. That is the prerogative of the Legislature and not of this body. We appreciate that it would be much more convenient and much to the advantage of applicant if he were able to cross the boundary line of the City and County of Denver, and we also recognize that Denver is growing and its business areas have been considerably extended since the outbreak of the war. However, we must make all decisions upon the record as made. Not a single shipper or mover of household goods has testified that the presently established service in Denver is in any way inadequate. Owners of certificates of public convenience and necessity make investments in equipment, relying upon the fact that such certificates give them certain protection against unwarranted competition, and we cannot disregard the law and this protection for the sake of meeting the convenience of the operator.

The Commission has heretofore denied a number of requests from operators in Denver seeking authority to serve outside points, and these decisions, as well as the instant one, have been based upon the theory that ample and adequate equipment and service are now available to the residents of Denver and outside points to meet all their reasonable needs. The theory of regulated monopoly is based upon the fact that experience has shown that it is better to have fewer utilities who can make a reasonable return upon their investments, and thus give the public better and more expeditious service, then to throw the doors open so that although the number of operators may be increased, the service to the public may become disorganized.

Another reason for denying this application is found in the recent ruling of the Office of Defense Transportation, and appears on page 4 of Bulletin No. 18, Volume 19, dated October 19, 1943. The announcement is in regard to a new policy, which will cover the issuance of Certificates of War Necessity to operators of commercial motor vehicles intending to engage in new operations, and Mr. Eastman's statement in regard thereto is as follows:

"Henceforth, according to the new policy, no proposed new operations of commercial motor vehicles requiring Certificates of War Necessity shall be found to be 'necessary to the war effort or to the maintenance of essential civilian economy' unless:

"(1) The service proposed cannot be performed at all by any existing means of transportation; or,

"(2) If existing service is not so convenient or expeditious as the proposed new service, and a positive need directly related to the war effort is shown for greater convenience or expedition; or,

"(3) If the service proposed will result in conservation of existing transportation facilities to a degree which outweighs in importance the added use of the new transportation facilities."

It is obvious, under the new regulation, that applicant would in all probability not be permitted to extend his operations in any event.

After 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.

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 December, 1943.

BH

(Decision No. 21675)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

RE MOTOR VEHICLE OPERATIONS OF)
GOODBAR OIL COMPANY, P. O. BOX) PERMIT NO. C-2236
524, COLORADO SPRINGS, COLORADO.)

December 2, 1943.

S T A T E M E N T

By the Commission:

On November 16, 1943, by Decision No. 21606, the above permit was cancelled at the request of Goodbar Oil Company, the owner thereof. The Commission is now in receipt of a letter from the said Goodbar Oil Company, stating the request to cancel permit was an error and requesting reinstatement.

As proper insurance is on file covering this operation, the Commission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS ORDERED:

That Permit No. C-2236 be, and the same is hereby, reinstated, effective as of November 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1943.

(Decision No. 21676)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. H. BAKER, 1141 SOUTH LINCOLN ST.,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-2626 TO WILLIAM) APPLICATION NO. 5408-PP-A
E. RUST, 1423 SOUTH EMERSON STREET,)
DENVER, COLORADO.)

December 6, 1943

S T A T E M E N T

By the Commission:

On July 26, 1940, by Decision No. 15711, W. H. Baker was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> sand, gravel, oil mix, and dirt, from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of such pits and supply points; also the transportation of piling and rough dimension lumber, in connection with the construction of bridges, from supply points within a radius of fifty miles of such bridges to said bridge construction jobs; and the transportation of coal from the northern Colorado coal fields to Denver; provided, however, that this authority shall not authorize operations in or extend to Boulder, Clear Creek, and Gilpin Counties, which are specifically excluded.

He now seeks authority to transfer said permit, No. B-2626, to William E. Rust, Denver, Colorado.

The matter was set for hearing, and heard, at Denver, Colorado, on November 30, 1943.

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

After 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 W. H. Baker, Denver, Colorado, be, and he hereby is, auth-

orized to transfer all his right, title and interest in and to Permit No. B-2626 to William E. Rust, Denver, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1943.

mw

(Decision No. 21677)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLYDE H. READY, 219 DOUGLAS, CANON)
CITY, COLORADO, FOR A CLASS "B" PER-) APPLICATION NO. 6521-PP
MIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

December 6, 1943

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 coal mines in Fremont County to Canon City, Pueblo, and Pueblo Air Base, near Baxter, 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 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 Clyde H. Ready, Canon City, 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 from coal mines in Fremont County to Canon City, Pueblo, and Pueblo Air Base, near Baxter, 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 6th day of December, 1943.

mw

(Decision No. 21678)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF J. ISHIDA, ROUTE 1, FORT LUPTON, COLORADO.) PERMIT NO. B-2982

December 6, 1943

STATEMENT

By the Commission:

On August 9, 1943, by Decision No. 21242, J. Ishida, Fort Lupton, Colorado, was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire.

Said permit-holder now requests that said authority be suspended for a period of six months, with right to reinstate.

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

ORDER

IT IS ORDERED:

That J. Ishida, Fort Lupton, Colorado, be, and he hereby is, authorized to suspend his operations under Permit No. B-2982 for a period of not to exceed six months from the date hereof.

That, unless said permittee shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of December, 1943.

Commissioners

mw

(Decision No. 21679)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF E. L. CRABTREE, 2625 CAITHNESS PLACE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6522-PP

December 7, 1943.

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 rock, 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 the Denver area.

Inasmuch as the motor carriers 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 careful consideration of the record, the Commission is of the opinion, and finds, that said applicant should be granted.

O R D E R

IT IS ORDERED:

That E. L. Crabtree, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of rock, 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 the Denver 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1943.

BH

(Decision No. 21680)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF HOWARD F. WELSH, DOING BUSINESS AS "AAA MOVEMASTERS", KANSAS CITY, MISSOURI, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO ROSS ALLEN AND HARLEY GOVER, DOING BUSINESS AS "GOVER MOVING & STORAGE CO.," KANSAS CITY, MISSOURI.	INTERSTATE PUC NO. 1523-I

December 7, 1943.

S T A T E M E N T

By the Commission:

Heretofore, Howard F. Welsh, doing business as "AAA Movemasters," Kansas City, Missouri, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 1523-I issued to him.

Said certificate-holder now seeks authority to transfer said certificate to Ross Allen and Harley Gover, doing business as "Gover Moving & Storage Company", Kansas City, Missouri.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

After 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 Howard F. Welsh, doing business as "AAA Movemasters," Kansas City, Missouri, should be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1523-I to Ross Allen and Harley Gover, doing business as "Gover Moving & Storage Company", Kansas City,

Missouri, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1943.

BH

(Decision No. 21681)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO TRADING AND TRANSFER)
COMPANY, CRIPPLE CREEK, COLORADO,)
FOR AN EXTENSION OF PUC NO. 1357.)

APPLICATION NO. ~~5226~~-B

December 7, 1943.

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for the applicant;
Marion F. Jones, Esq., Denver, Colorado, for Gately Motor Company, Roy Kohl, Curnow Livery and Transfer, Willard Britt and Gomer Sterling.

S T A T E M E N T

By the Commission:

By Decision No. 21444, the Commission granted a certificate of public convenience and necessity to Colorado Trading and Transfer Company.

On October 16, 1943, Petition for Rehearing was filed by Protestants Britt, Kohl, Sterling, and Curnow Livery and Transfer Company.

The Commission has carefully examined and considered said petition for rehearing and brief in support thereof, and each and every alleged error, and after such consideration, is of the opinion, and finds, that no error was committed in granting said certificate of public convenience and necessity, and that said Petition for Rehearing should be overruled.

O R D E R

IT IS ORDERED:

That Petition for Rehearing filed by Marion F. Jones on behalf of Protestants Britt, Kohl, Sterling, and Curnow Livery and Transfer Company be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1943.

BH

(Decision No. 21682)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF JOHN KILPATRICK, 1226 NORTH CHESTNUT STREET, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6435-PP
SUPPLEMENTAL ORDER

December 8, 1943.

Appearances: John Kilpatrick, Colorado Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

On October 7, 1943, by Decision No. 21426, the Commission authorized John Kilpatrick to operate as a Class "B" private carrier by motor vehicle for hire for the transportation, among other things, of:

> mine props, mine timbers, and hay, from points within a radius of fifty miles of Colorado Springs to Colorado Springs and mines in El Paso County and Florence-Canon City coal fields.

On October 22, 1943, applicant requested the Commission to increase the radius for transportation of timber and hay to seventy-five miles, in order to cover operations from Hartsel and vicinity.

In entering the order, the Commission was of the opinion that the airline distance between Colorado Springs and Hartsel was not in excess of fifty miles. Examination of a map discloses that the hay-raising area immediately west of and around Hartsel is more than fifty miles from Colorado Springs.

Therefore, it would appear that said order should be amended, so that the order entered will conform to the proof at the hearing.

After careful consideration of the record, the Commission is of the opinion, and finds, that said order and decision No. 21426 should be

amended by changing the words "fifty miles" in sub-section (2) of the first paragraph of the order to "seventy-five miles."

O R D E R

IT IS ORDERED:

That Decision No. 21426 be, and the same hereby is, amended by changing the words "fifty miles" in sub-section (2) of the first paragraph of the Order to "seventy-five miles."

That except as herein amended, said Decision No. 21426 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of December, 1943.

BH

(Decision No. 21683)

At a General Session of the Public Utilities Commission of the State of Colorado, held at its office in Denver, Colorado, December 9, 1943.

INVESTIGATION AND SUSPENSION DOCKET NO. 253

IT APPEARS, That on July 6, 1943, by Decision No. 21111, the City of Glenwood Springs, a municipal corporation, was authorized to acquire by purchase the property of the Grizzly Water Company, and that subsequent thereto the said city issued a schedule of new water rates applicable to customers residing outside of the City of Glenwood Springs, the effective date to be October 1, 1943.

It was found that the proposed schedule was not in accordance with the Commission's findings in Decision No. 21111, and the City was advised that because of this fact, each of the customers would have to be notified as required by the Commission's General Order No. 33.

Thereafter, under date of November 3, the City notified the Commission of its compliance with General Order No. 33 by submitting a copy of its Notice to those customers as of November 1, 1943, which provided that the new schedule would become effective January 1, 1944.

IT APPEARING FURTHER, That on November 23, 1943, the Commission received a protest on the aforesaid changes in the water rate schedule of the City of Glenwood Springs as applicable to consumers residing outside the limits of Glenwood Springs, from Allyn Cole, Esq., representing the water consumers; and

IT APPEARING FURTHER, That the proposed changes in the water schedule of the City of Glenwood Springs, as heretofore set forth, might affect the rights and interests of said protestants.

IT IS THEREFORE ORDERED, That the effective date of the proposed changes in the water rate schedule of the said city be suspended for one

hundred twenty (120) days from January 1, 1944, or until May 1, 1944, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed changes in the schedule of said City be made a subject of investigation and determination by the Commission within the said period of suspension, or at such further time as the same may be lawfully suspended.

IT IS FURTHER ORDERED, That a copy of this order be served on the Mayor of the City of Glenwood Springs, and copies hereof served on Allyn Cole, Esq., representing the protestants; also on P. S. Morris, State Price Attorney for the O. P. A., Kittredge Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1943.

EH

Original

(Decision No. 21684)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
S. N. DRUM FOR A CERTIFICATE OF) APPLICATION NO. 6354
PUBLIC CONVENIENCE AND NECESSITY.)

December 9, 1943.

Appearances: Worth Allen, Esq., E&C Bldg., Denver, Colorado, for applicant;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., and Wilson McCarthy and Henry Swan, Trustees of The Denver and Rio Grande Western Railroad Company;
T. C. Drinkwater, Esq., Colorado National Bank Bldg., Denver, Colorado, for Continental Air Lines;
David Oyler, Esq., E&C Bldg., Denver, Colorado, for W. Leo Schuth;
S. Arthur Henry, Esq., Colorado National Bank Bldg., Denver, Colorado, for Ray Wilson, Inc.;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

On October 16, 1943, by Decision No. 21464, the Commission entered an order granting applicant a certificate of public convenience and necessity to operate an airline between Durango and Denver, and other authority. Said certificate was conditioned upon applicant's compliance with all of the provisions of Chapter 81 of 1937 Session Laws, known as the "Aeronautics Act of Colorado", and all rules and regulations of the Federal Civil Aeronautics Board relative to safety measures and liability insurance.

Thereafter, on November 8, 1943, applicant filed a petition for rehearing or reconsideration, wherein it is sought to have said decision amended to subject applicant only to such Federal acts and rules and regulations as validly apply to intrastate commerce and to the extent that the Congress of the United States and said Federal Civil Aeronautics Board have

jurisdiction to enact and promulgate same.

On November 10, 1943, a petition for rehearing was also filed by protestant, Ray Wilson, which, inter alia, seeks to have a time limit of not in excess of thirty days set for the commencement of operations by applicant if rehearing upon the other grounds alleged in said petition for rehearing is denied.

The Commission has carefully considered both of said petitions for rehearing or reconsideration, and in view of the number of airline applications that have been and may be filed with the Commission, we deem it advisable to institute a hearing, upon our own motion, to determine what, if any, rules and regulations should be adopted by the Commission applicable to Colorado operations. Pending the adoption of such rules and regulations, the Commission is of the opinion that the proposed operations of applicant should be under some insurance and safety regulations, subject to the right of applicant to apply to this Commission for exemption and relief from any of the Federal Civil Aeronautics Board rules and regulations which he may deem unduly burdensome and unreasonable as applied to Colorado intrastate operations. We are further of the opinion that a definite time should be fixed in the order for commencement of operations.

After considering the matters contained in said petitions for rehearing, the Commission is of the opinion, and so finds, that both of said petitions should be overruled, and that the order part of Decision No. 21464 should be amended to read as follows:

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require the aeroplane operations of applicant, S. N. Drum, for the transportation of passengers, baggage and express, on schedule, between Durango and Denver and the intermediate points of Alamosa and Pueblo, and on call and demand between those points and the cities of Grand Junction, Montrose and Delta,

and between the last named points, except that no service shall be rendered which originates in either Pueblo or Denver and is to be delivered in either Denver or Pueblo, and this order shall be taken, deemed and held to be a Certificate of public convenience and necessity therefor.

That above certificate of public convenience and necessity is issued subject to the said S. N. Drum at all times complying with all the provisions of the Aeronautics Act of Colorado, being Chapter 81 of the 1937 Session Laws, and amendments thereto, and all rules and regulations of the Federal Civil Aeronautics Board which are now, or hereafter shall be, in effect, relating to safety measures and liability insurance requirements for common carriers of passengers by plane; provided that applicant may, if he considers any of said Federal Civil Aeronautics Board rules and regulations are unduly burdensome or unreasonable as applied to his proposed operations, apply to this Commission for exemption from such particular rule or regulation, and jurisdiction of the instant matter is hereby retained to the end that such further order or orders may be entered herein as the Commission deems advisable.

That applicant shall file his tariffs, rate schedules, and rules and regulations as required by this Commission within ninety days from the date hereof, and before starting operations.

That applicant shall commence operations under the authority herein granted on or before May 1, 1944.

This order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1943.

(Decision No. 21685)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
VICTOR BOYD) PERMIT NO. C-1710
204 South 9th)
Lincoln Nebr.)
)

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Victor Boyd of 204 South 9th, Lincoln Nebr., requesting that his Permit No. C-1710 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-1710, heretofore issued to Victor Boyd, 204 South 9th, Lincoln Nebr. be, and the same is hereby, declared cancelled effective November 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomson

/s/ Edward E. Keller

/s/ Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21686)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
E. A. MEAD)
Wheatland,)
Wyoming.)
)

PERMIT NO. C-2079

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. A. Mead of Wheatland, Wyoming, requesting that his Permit No. C-2079 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-2079, heretofore issued to E. A. Mead, Wheatland, Wyoming, be, and the same is hereby, declared cancelled effective November 20, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 1943.

(Decision No. 21687)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JUAN ARCHULETA)
1512 San Luis,)
Trinidad, Colo.)
)

PERMIT NO. C-2527

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Juan Archuleta of 1512 San Luis, Trinidad, Colo., requesting that his Permit No. C-2527 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-2527, heretofore issued to Juan Archuleta, 1512 San Luis, Trinidad, Colo., be, and the same is hereby, declared cancelled effective November 24, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43.

(Decision No. 21688)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
BEATRICE CREAMERY CO.)
602 W 6th)
Pueblo Colo)
)

PERMIT NO. C-6751

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Beatrice Creamery Co. of 602 W 6th, Pueblo Colo., requesting that his Permit No. C-6751 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-6751, heretofore issued to Beatrice Creamery Co. 602 W 6th, Pueblo, Colorado, be, and the same is hereby, declared cancelled effective November 22, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21689)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. O. GEISER)
Parkdale)
Colorado)
)

PERMIT NO. C-7271

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. O. Geiser of Parkdale, Colorado, requesting that his Permit No. C-7271 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-7271, heretofore issued to W. O. Geiser, Parkdale, Colorado, be, and the same is hereby, declared cancelled effective December 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 1943.

(Decision No. 21690)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARSH SUPPLY CO.)
1815 Blake St.) PERMIT NO. C-8723
Denver, 2, Colo.)
)

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Marsh Supply Co. of 1815 Blake St., Denver, 2, Colorado, requesting that his Permit No. C-8723 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-8723, heretofore issued to Marsh Supply Co., 1815 Blake St. Denver, Colorado, be, and the same is hereby, declared cancelled effective November 18, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21691)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WILLIAM ACKERMAN)
1506 Lincoln St.)
Loveland, Colorado)
)

PERMIT NO. C-9534

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from William Ackerman of 1506 Lincoln St, Loveland, Colo., requesting that his Permit No. C-9534 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-9534, heretofore issued to William Ackerman, 1506 Lincoln St., Loveland, Colorado, be, and the same is hereby, declared cancelled effective November 20, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43.

(Decision No. 21692)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLYDE BEESON)
Longmont,) PERMIT NO. C-10211
Colorado)
)

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clyde Beeson of Longmont, Colorado, requesting that his Permit No. C-10211 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-10211, heretofore issued to Clyde Beeson, Longmont, Colorado be, and the same is hereby, declared cancelled effective November 29, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 1943

(Decision No. 21693)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LAYNE COTTER & H. B.) PERMIT NO. C-10377
SCHOFIELD)
Skarda, New Mexico)
)

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Layne Cotter & H. B. Schofield of Skarda, New Mexico, requesting that his Permit No. C-10377 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-10377, heretofore issued to Layne Cotter & H. B. Schofield, Skarda, New Mexico be, and the same is hereby, declared cancelled effective December 2, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry D. Peterson

Dana D. Bradley

Malcom Ericsson

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21694)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
EUGENE E. WHITNACK)
Kearney)
Nebraska.)
)

PERMIT NO. C-10488

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Eugene E Whitnack of Kearney, Nebraska, requesting that his Permit No. C-10488 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-10488, heretofore issued to Eugene E. Whitnack, Kearney, Nebraska, be, and the same is hereby, declared cancelled effective November 19, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21695)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ERNA M. BROWN)
Sterling,)
Colorado)
)

PERMIT NO. C-12811

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Erna M. Brown of Sterling, Colorado, requesting that his Permit No. C-12811 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-12811, heretofore issued to Erna M. Brown, Sterling, Colorado, be, and the same is hereby, declared cancelled effective August 1, 1942

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry A. Johnson

Edward J. Knaebel

Graham Ericksen

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21696)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RAVARINO & FRESCHI CO. INC.) PERMIT NO. C-12857
4651-53 Shaw Blvd.)
St. Louis Mo.)
)

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ravarino & Freschi Co. Inc. of 4651-53 Shaw Blvd. St. Louis, Mo., requesting that his Permit No. C-12857 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-12857, heretofore issued to Ravarino & Freschi Co. Inc., 4651-53 Shaw Blvd. St. Louis, Mo., be, and the same is hereby, declared cancelled effective November 22, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 1943

(Decision No. 21697)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
KEARNS GRAIN & SEED CO.) PERMIT NO. C-12963
7th & Johnson,)
Amarillo, Texas.)
)

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Kearns Grain & Seed Co of 7th & Johnson, Amarillo, Texas, requesting that his Permit No. C-12963 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-12963, heretofore issued to Kearns Grain & Seed Co., 7th & Johnson, Amarillo, Texas, be, and the same is hereby, declared cancelled effective November 22, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21698)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN RUSH)
Longford,)
Kansas.)
)

PERMIT NO. C-13105

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Rush of Longford, Kansas, requesting that his Permit No. C-13105 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-13105, heretofore issued to John Rush, Longford, Kansas. be, and the same is hereby, declared cancelled effective August 19, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Johnson

/s/ Ben E. Keith

/s/ Marian Epinger

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 1943

(Decision No. 21699)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ANTHONY DeBELL)
4725 Lewis Lane)
Wheatridge (14) Colo.)
)

PERMIT NO. C-13328

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Anthony DeBell of 4725 Lewis Lane, Wheatridge 14 Colo requesting that his Permit No. C-13328 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-13328, heretofore issued to Anthony DeBell, 4725 Lewis Lane, Wheatridge, 14, Colo., be, and the same is hereby, declared cancelled effective December 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Duard D. Woodrow

Malcom Eriksson

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21700)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LAPLATA MOTORS INC.) PERMIT NO. C-13640
2nd Ave & 10th St.)
Durango, Colorado)
)

December 15, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from La Plata Motors Inc. of 2nd Ave & 10th St. Durango, Colo., requesting that his Permit No. C-13640 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-13640, heretofore issued to La Plata Motors , Inc., 2nd Ave. & 10th St. Durango, Colorado be, and the same is hereby, declared cancelled effective November 22, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Shoeman

Commissioners.

Dated at Denver, Colorado,

this 15th day of December, 19 43

(Decision No. 21701)

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 (RE: Further Suspension of General Increase in Rates on lines of Fuller Truck Line, Rio Grande Motor Way, Southwestern Transportation Co., and Weicker Transfer and Storage Co.)

December 10, 1943

S T A T E M E N T

By the Commission:

On May 14, 1943, Decision No. 20935, and on September 28, 1943, Decision No. 21395, the Commission suspended the increases in truck rates granted under Decision No. 18561 until December 31, 1943, on the lines of the above named carriers.

The Commission is now in receipt of a petition from The Motor Truck Common Carriers' Association, as Agent, for these carriers, requesting a further suspension until June 30, 1944.

The petition states that the same competitive conditions still exist as those in force and effect at the time of the original petition.

The Commission finds that the request should be granted.

O R D E R

IT IS ORDERED, That the increases ordered into effect under Decision No. 18561, dated March 27, 1942, be, and the same are hereby, further suspended on intrastate traffic in Colorado for the period January 1 to June 30, 1944, inclusive, or to a subsequent date beyond June 30, 1944, if the same conditions still prevail at that time on the line haul operations of the Weicker Transfer and Storage Company, the Southwestern Transportation Company, the Fuller Truck Line and the Rio Grande Motor Way, Inc., and on interline traffic handled in connection with said carriers; that said carriers be, and they are hereby, required to publish schedules in accordance with this order upon notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act; 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 10th day of December, 1943

JH

(Decision No. 21702)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOSEPH CASSIO, 1205 ARIZONA ST., TRINIDAD, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 6469

December 14, 1943

S T A T E M E N T

By the Commission:

On September 20, 1943, Joseph Cassio filed his application for authority to carry passengers in connection with his Star Mail Route from Trinidad to Tercio.

The matter was set for hearing, and heard, in Trinidad, Colorado, on October 11, 1943. Order and decision, No. 21518, followed, granting his authority to transport:

> passengers as a common carrier by motor vehicle for hire between Trinidad and Tercio and intermediate points.

Following the entry of order, applicant asked the Commission to amend its order by granting authority to transport light parcels and express matter in packages of not to exceed fifty pounds each, and baggage, milk, and cream, over the route described in his original application, with the right to serve all intermediate points, Trinidad to Tercio.

After careful consideration of the record, the Commission is of the opinion, and finds, that sa id amendment to the application should be allowed, and that said matter should be set down for hearing upon the amended application in Trinidad, Colorado, on December 27, 1943, at 10:00 o'clock A.M.

O R D E R

IT IS ORDERED:

That said amendment be permitted, and said amended application be, and the same hereby is, set down for hearing in Trinidad, Colorado, at the County Court Room, on December 27, 1943, at 10:00 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of December, 1943.

hs

(Decision No. 21703)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK J. SILVA, 216 EAST ELM ST.,)
CANON CITY, COLORADO, FOR AUTHORITY) APPLICATION NO.6219-PP-A
TO TRANSFER PERMIT NO. B-2917 TO)
LYHLE IRVIN, 1245 PARK AVENUE, CANON)
CITY, COLORADO .)

December 16, 1943

Appearances: Frank J. Silva, Canon City, Colorado, pro se;
Lyhle Irvin, Canon City, 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:

The above-styled matter was heard in Pueblo, Colorado, on December 6, 1943.

Transferor herein seeks authority to transfer to Lyhle Irvin the authority granted to him by Decision No. 20244 to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> mining machinery, mining supplies, and mining equipment for Victor-American Fuel Company, only, between mines of said company, located in Routt, Las Animas and Fremont Counties, scrap metals and junk from points in the State of Colorado, to Florence, Canon City, and Pueblo, Colorado, without the right to haul said commodities from Florence and Canon City to Pueblo, or between points served by line haul motor vehicle carriers operating on schedule; coal from mines of Victor-American Fuel Company to points in the State of Colorado.

It appeared that all operating obligations of transferor have been paid; that he has agreed to dispose of said permit and one piece of equipment for the sum of $1500.00, to transferee, and is discontinuing his transportation business on account of his wife's illness; that transferee has had twelve years' experience in the trucking business, and has some equipment in addition to the equipment he is acquiring from Silva.

After careful consideration of the record, the Commission is of the opinion, and finds, that transferee, pecuniarily and otherwise, is qualified to carry on the operation, and that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Frank J. Silva, Canon City, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-2917 to Lyhle Irvin, Canon City, 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.

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 December, 1943.

hs

(Decision No. 21704)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL WOLGRAM, LA VETA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6498-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

December 16, 1943

Appearances: Paul Wolgram, La Veta, 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:

The above-styled application was heard at Walsenburg, Colorado, on December 6, 1943.

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 timber and timber products between points within a radius of twenty-five miles of La Veta.

It appeared that a number of sawmills and excelsior mills are located in or near La Veta, and that a number of logging and timber operations are operated in the mountains within a radius of twenty-five miles of La Veta; that aspen logs move from the forests to mills to be processed for the manufacture of excelsior; that rough logs are sawed into lumber at said mills, and that lumber moves from the mills to ranches, farms, and other points within a radius of twenty-five miles of La Veta.

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

After 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 Paul Wolgram, La Veta, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber and timber products between points within a radius of twenty-five miles of La Veta, 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 December, 1943.

hs

(Decision No. 21705)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOUISE SULLIVAN AND WALTER SULLIVAN,)
BOX 13, WETMORE, COLORADO, FOR) APPLICATION NO. 4056-PP-A
AUTHORITY TO TRANSFER PERMIT NO.)
B-2028 TO CHARLES A BUSH, AVONDALE,)
COLORADO.)

* * * * * * * * *
December 16, 1943
* * * * * * * * *

Appearances: Charles A. Bush, Avondale, Colorado, for applicants; A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

STATEMENT

By the Commission:

By Decision No. 10582, transferors, Louise Sullivan and Walter Sullivan, were authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

> milk, dairy products and feed, between the City of Pueblo and points in the area described as follows: beginning at Pueblo, thence east along Highway U. S. No. 50 a distance of approximately twelve miles to the east boundary line of Range 63; thence south a distance of approximately sixteen miles to the south boundary line of Township 23, South; thence west approximately twelve miles to the west boundary line of Range 64; thence north to the place of beginning; provided, however, that no service shall be rendered between points along U. S. Highway No. 50.

They now seek authority to transfer said permit to Charles A. Bush, Avondale, Colorado.

The matter was heard in Pueblo, Colorado, on December 6, 1943.

It there appeared that all outstanding operating accounts of transferors have been paid; that, with the consent of the Commission, for a period of approximately seven weeks, transferee has been conducting operation; that he has a 3/4-ton Chevrolet truck; that, pecuniarily and otherwise, he is qualified to carry on the operation.

After 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 Louise Sullivan and Walter Sullivan, Wetmore, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to Permit No. B-2028 to Charles A. Bush, Avondale, 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.

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 December, 1943.

hs

(Decision No. 21706)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MAX MANZANORES, REDWING, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6515-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

December 16, 1943

Appearances: Max Manzanores, Redwing, 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:

The above-styled matter was heard at Walsenburg, Colorado, on December 6, 1943, pursuant to prior setting.

As limited by the testimony offered at the hearing, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm supplies and equipment, farm products, specifically including livestock and wool in grease, between points within a radius of fifteen miles of Redwing, Huerfano County, Colorado, and the transportation of said commodities from and to points in said area, to and from points in Huerfano County.

For applicant, it appeared that, for a number of years, he operated a for-hire private carrier service under Permit No. B-1724; that he discontinued the service on account of lack of business, the needs of ranchers in the Redwing area then being satisfied by the for-hire common carrier service of Huerfano Freight Line, with headquarters at Gardner; that the certificate was transferred to Robert Weir, who headquarters at La Veta, Colorado; that while said Weir is a very capable motor vehicle carrier, he is unable to adequately serve ranchers and farmers within a radius of fifteen miles of Redwing, Redwing being about forty or fifty

miles by road from La Veta; that many ranchers and farmers, for a considerable period of time, have been unable to get service when needed; that wool in grease, cattle, sheep, horses, and other farm products move from point to point in the area, and must move to market; that farmers require movement of farm equipment, machinery, salt, feed, rough lumber, and other supplies from points in Huerfano County into the area, and occasionally between points in the area; that they do not have ample motor vehicle equipment to care for their own needs; that customers of applicant require his service; that, pecuniarily and otherwise, he is able to carry on the proposed operation.

After 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 Max Manzanores, Redwing, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm supplies and equipment, farm products, specifically including livestock and wool in grease, between points within a radius of fifteen miles of Redwing, Huerfano County, Colorado, and the transportation of said commodities from and to points in said area, to and from points in Huerfano County.

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.

The authority herein granted is subject to applicable orders of The Office of Defense Transportation of the Federal Government.

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 December, 1943.

hs

(Decision No. 21707)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

original

* * *

IN THE MATTER OF THE APPLICATION OF)
W. P. REES, DOING BUSINESS AS)
"DE LUXE CAB COMPANY", FOR AN EX-) APPLICATIONS NOS. 255-AA-BA-B
TENSION OF CERTIFICATE NO. 1193.) 576-AA-BA-B
- -

- - - - - - - - - -
December 16, 1943
- - - - - - - - - -

S T A T E M E N T

By the Commission:

Heretofore, W. P. Rees, doing business as "DeLuxe Cab Company", Boulder, Colorado, filed application with this Commission for authority to extend operations under PUC No. 1193, as set forth in said application.

Subsequently, Mrs. Lillie Hennig, Manager of the City Taxi, Boulder, Colorado, filed "Motion to Dismiss" in the above-entitled matter, said Motion being set for hearing at Boulder, Colorado, on December 17, 1943.

The Commission is now in receipt of a communication from William O. DeSouchet, Attorney for Applicant, requesting that said application be dismissed, without prejudice.

After 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 application 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

I. D. Thomas
Edward E. Dale
Mary Quinn
Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1943.

hs

Original.

21708

(Decision No. ~~21608~~)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HIGHLAND UTILITIES COMPANY, SPRING-FIELD, COLORADO, FOR PERMISSION TO TRANSFER ELECTRIC PLANT, TRANSMISSION AND DISTRIBUTION SYSTEMS IN MONTEZUMA COUNTY, COLORADO.

APPLICATIONS NOS. 1271-A, 1272-A
1273-A, 1274-A

December 16, 1943

Appearances: Lowell D. Hunt, Esq., Denver, Colorado
for the petitioner;
Charles H. Enos, Esq., John Shireman, Esq.,
of Denver, and James Garrison, Esq.,
City Attorney for the Town of Cortez;
for the Town of Cortez;
James M. Noland, Esq., Durango, Colorado,
for the Empire Electric Association.

S T A T E M E N T

By the Commission:

Applicant herein is a Colorado Corporation presently engaged in the furnishing of electric service in certain rural areas in the County of Montezuma, including the incorporated towns of Cortez, Dolores, and Mancos, and also including service to Mesa Verde National Park. It purchases its energy from Western Colorado Power Company at the Montezuma County line, and its physical property includes 33-1/2 miles of transmission lines, as well as distribution systems in the above named towns. All of said service is authorized by certificates of public convenience and necessity heretofore issued by the Commission, except that in the case of Dolores and Cortez, the franchises from said towns under which applicant was operating and for which we have granted certificates to exercise franchise rights, had heretofore expired and no application had been filed with the Commission at the time of the hearing for new certificates authorizing the exercising of franchise rights under new franchises granted by ordinances passed by both of said towns.

The instant application seeks authority to transfer, not only all physical property of applicant in Montezuma County, but also all franchise, contract and certificate rights now owned by applicant in said area in connection with its electrical service to the inhabitants thereof. Applicant is now serving approximately 300 customers, and its common stock is owned entirely by North Continent Utilities Corporation. This corporation is subject to the Federal Holding Company Act and has been required to disintegrate its system and dispose of the Montezuma County property.

The proposed transferee is known as the Empire Electric Association, Inc., organized under the Colorado statutes pertaining to cooperative associations, and is presently engaged in furnishing electricity to the rural inhabitants of Dolores and part of Montezuma County. It owns approximately 90 miles of transmission lines and is serving approximately 438 members. Its present power plant is located in Lewis, Montezuma County, Colorado. However, it expects to connect with the Western Colorado Power Company and secure electricity from said company if the transfer herein sought is approved. It is being financed under contracts made with the Rural Electrification Administration. The consideration to be paid transferor is the sum of $150,000.00, and the Rural Electrification Administration is advancing, under supplemental contract, note and mortgage, the sum of $158,000.00, which would leave $8,000.00 to be used for reconstructing and conditioning of lines of Highland Utilities Company.

At the hearing, which was held in Denver, Colorado, on September 1, 1943, protests were made by the Colorado Electric League and by the Towns of Cortez and Mancos to the granting of the authority sought unless transferee would concede that it is a public utility and subject to the complete jurisdiction of this Commission.

It was further pointed out by protestants that the by-laws of transferee permitted service to members of the Association, only; that rates to be charged were fixed by the Board of Directors of the Association, with the approval of the R.E.A., and that if transferee is not a public utility, service in said area might at any time be discontinued by transferee without first securing the approval of this Commission.

Counsel for transferee stipulated for the record that he had been in contact, by telephone, with representatives of the R.E.A. in St. Louis, and was authorized by the Legal Division of said R.E.A. to state that if said transfer is approved, transferee would extend service to all inhabitants of Cortez, whether they desire to become stockholders of transferee or not; that transferee would further agree to take over and assume all the rights and obligations of the franchise now existing between the Town of Cortez and transferor, subject only to such findings as this Commission may itself make as to what authority they desire to exercise over transferee from now on; that the mortgage between the Empire Electric Association and the R.E.A. should not in any way affect the right of the Town of Cortez to acquire the property transferred under the terms of the franchise by either agreed purchase price or condemnation, and that if necessary transferee would amend its Articles of Incorporation to provide that service could be extended to non-members. It was the position of counsel, however, that transferee was not a public utility.

The gist of the statement of counsel for transferee, as disclosed by the record, is to the effect that the property taken over would be operated under the regulation of this Commission, but reserving to transferee the right to have the question of that jurisdiction determined by court if it so desired.

The Commission has heretofore had before it numerous applications to transfer existing public utility operations to the so-called "associations" formed under the cooperative statutes of Colorado and such transfers have been permitted. However, this is the first time that questions involved in the instant case have been raised in such a hearing.

In the briefs filed by protestants, considerable emphasis is placed upon the proposition that the Rural Electric Association had no power under the Act creating the same to make a loan to transferee for the purpose of acquiring the rights of transferor, because the service involved would not be strictly rural, but would include the town of Cortez, which has a population in excess of 1500. The Act creating the R.E.A. provides that loans may be made to furnish electrical energy to persons in rural areas who are not receiving central station service, and "rural areas" is construed to mean any area of the United States included within the boundaries of any city, village or

borough having a population not in excess of 1500 inhabitants. Further emphasis in the brief of protestants is also placed upon the fact that the by-laws of transferee do not permit service to anyone except members, and that the mortgage to R.E.A. might preclude the Town of Cortez from acquiring the property under its franchise contract or under the condemnation statutes of Colorado. It is further pointed out that transferee might in the future, if not held to be a Public Utility, withdraw service, without the consent of some regulatory body.

As to the first of these propositions, the Commission is of the opinion that it is not for us to determine the right and power of the Administrator of the R.E.A. under the law to make loans to cooperatives. See Re Missouri Electric Power Co., reported in Public Utilities Fortnightly of December 9, 1943, page 258.

As to the second proposition, we feel that statement of counsel for transferee that the by-laws could be amended if necessary, sufficiently covers this objection, and we further believe that the transferee of a franchise granted under an ordinance, accepts the same subject to all its terms and conditions, and the Empire Electric Association would be in no different position than any other purchaser of such franchise or contract rights, and that the Town of Cortez could not be precluded from its franchise contract or statutory rights.

We are not perturbed over the withdrawal of service in the future. Transferee is well financed and has been operating for a number of years and apparently from the record intends to increase rather than decrease service.

We deem it unnecessary at this time to determine the corporate character of transferee, either as presently operated or as it may operate if transfer is consummated. Under its own stipulation, it would be regulated by this Commission as a public utility to the extent we deem necessary for the protection of its customers and the public unless and until some binding court decision removes it from under our jurisdiction.

Fundamentally, applicant should be permitted to dispose of its property unless same would be detrimental to the public interest. We find nothing in the record to justify any assumption that the proposed transfer is detrimental to public interest. On the contrary, we believe same will be

beneficial. Not only will customers in all probability receive lower rates, but the acquisition of Highland Utilities property will permit transferee to give the public a better service and to extend that service to more customers than has been possible under the somewhat duplicating service that has heretofore existed in this area.

It is contended by transferee, in its brief filed with the Commission, that the question of whether it is authorized under its by-laws to extend service to other than members of the Association, may not be raised by collateral attack, but we shall not pass upon this question in view of the statement made that the by-laws will be amended if necessary, and we are of the opinion that they should be so amended. We are further of the opinion that transferor should apply to the Commission for certificates to exercise the franchise rights granted under the new ordinances passed by the towns of Cortez and Mancos, and that the certificates so obtained should be included in the transfer hereinafter authorized.

After careful consideration of the record, the Commission is of the opinion, and so finds, that, subject to the restrictions hereinafter contained, which in the opinion of the Commission the public interest requires, the authority sought herein should be granted.

O R D E R

IT IS ORDERED:

That Highland Utilities Company be, and it is hereby, authorized to transfer to Empire Electric Association, Inc., all of its electrical property now located in the County of Montezuma, State of Colorado, including any and all franchise rights secured under ordinances from the towns of Cortez and Mancos and its contract with the U. S. Government in connection with its service to Mesa Verde National Park, and also including any certificates of public convenience and necessity here after issued by this Commission for the continued exercise of franchise rights which were granted transferor by the towns of Cortez and Mancos after the expiration of the franchises

originally granted by said towns for which certificates were issued by this Commission; provided, however, that the above authority is subject to the following restrictions:

1. Highland Utilities Company shall immediately, and not later than twenty days from the date hereof, apply to this Commission for certificates authorizing the exercise of franchise rights in the towns of Cortez and Mancos under ordinances recently passed granting such authority.

2. Transferee, Empire Electric Association, Inc., shall immediately and not later than sixty (60) days from the date hereof, amend its by-laws to provide that service may be rendered to non-members as well as members of the Association and properly advise this Commission of such action.

3. In accepting the transfer herein authorized, transferee shall assume any and all franchise contract rights and obligations which now exist between the towns of Cortez and Mancos and said Highland Utilities Company, and shall furnish service within the corporate limits of said towns without discrimination between members and non-members of its Association, and all franchise contracts and statutory rights of said towns of Cortez and Mancos, authorizing the condemnation of any part of the property herein authorized to be transferred shall be fully retained by said towns.

IT IS FURTHER ORDERED, That if and when Highland Utilities Company obtains from this Commission the certificates to exercise franchise rights in the towns of Cortez and Mancos above referred to, the same shall, without further action on the part of the Commission, be considered as authorized to be transferred under the terms and conditions of this order.

IT IS FURTHER ORDERED, That jurisdiction of the instant matter be, and same is hereby, retained to the end that such further order or orders may be entered by this Commission as it may deem necessary.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thomas

Edward E. Charles

Grace Ervin

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1943.

hs

(Decision No. 21709)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LEO L. JOHNSON)
Delta,)
Colorado)
)

PERMIT NO. C-13770

December 18, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leo. L. Johnson of Delta, Colorado, requesting that his Permit No. C-13770 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-13770, heretofore issued to Leo L. Johnson, Delta, Colorado, be, and the same is hereby, declared cancelled effective December 6, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 18th day of December, 19 43

(Decision No. 21710)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GAY GROCERY CO)
Johnson) PERMIT NO. C-13969
Kansas)
)
)

December 18, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from GayGrocery Co. of Johnson, Kansas, requesting that his Permit No. C-13969 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-13969, heretofore issued to Gay Grocery Co., Johnson, Kansas, be, and the same is hereby, declared cancelled effective November 5, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward J. Keller

Malcolm Ericson

Commissioners.

Dated at Denver, Colorado,

this 18th day of December, 1943

(Decision No. 21711)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LUE F. HORTON) PERMIT NO. C-14341
1820 W 2nd Ave.)
Durango, Colorado)

December 18, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lue F. Horton of 1820 W. 2nd Ave., Durango, Colo., requesting that his Permit No. C-14341 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-14341, heretofore issued to Lue F. Horton, 1820 W 2nd Ave. Durango, Colorado, be, and the same is hereby, declared cancelled effective December 2, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 18th day of December, 19 43.

(Decision No. 21712)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MORRIS SEYBOLD) PERMIT NO. C-14434
Box 33,)
Woodland Park, Colo.)
)

December 18, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Morris Seybold, of Box 33, Woodland Park Colo, requesting that his Permit No. C-14434 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-14434, heretofore issued to Morris Seybold, Box 33, Woodland Park, Colorado, be, and the same is hereby, declared cancelled effective November 26, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 18th day of December, 19 43

(Decision No. 21713)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. E. COPELAND)
Lytle Star Route) PERMIT NO. C-14467
Colorado Springs, Colo.)
)

December 18, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. E. Copeland of Lytle Star Route, Colorado Springs, requesting that his Permit No. C-14467 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-14467, heretofore issued to F. E. Copeland, Lytle Star Route, Colorado Springs, Colorado, be, and the same is hereby, declared cancelled effective November 23, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry A. Alberson

/s/ Edward E. Keller

/s/ Malcolm Ericson

Commissioners.

Dated at Denver, Colorado,

this 18th day of December, 19 43

(Decision No. 21714)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
EDWIN C. HATTER)
Box 102,)
Kremmling, Colo.)
)

PERMIT NO. C-14630

December 18, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edwin C. Hatter, of Box 102, Kremmling, Colo., requesting that his Permit No. C-14630 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-14630, heretofore issued to Edwin C. Hatter, Box 102, Kremmling, Colorado, be, and the same is hereby, declared cancelled effective November 19, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Dawson

Edward E. Conley

Theodosia Emerson

Commissioners.

Dated at Denver, Colorado,

this 18th day of December, 19 43

(Decision No. 21715)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GERALD F. & GEO. D. TRENT)
633 N. Francis St.) PERMIT NO. C-14768
Longmont, Colorado.)
)
)

December 22, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Gerald F. & Geo. D. Trent of 633 N Francis St Longmont Colo., requesting that his Permit No. C-14768 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-14768, heretofore issued to Gerald F. & Geo. D. Trent, 633 N. Francis, Longmont, Colo., be, and the same is hereby, declared cancelled effective November 29, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thoreson

Edward E. Keller

Walter Ericson

Commissioners.

Dated at Denver, Colorado,

this 22nd day of December, 19 43

(Decision No. 21716)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LOUIE PARKER) PERMIT NO. 837-I
Scottsbluff,)
Nebraska)
)

December 23, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Louie Parker of Scottsbluff, Nebraska, requesting that his Permit No. 837-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. 837-I, heretofore issued to Louie Parker, Scottsbluff, Nebraska, be, and the same is hereby, declared cancelled effective August 10, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry A. Johnson

Edward E. Keller

Malcom Ericson

Commissioners.

Dated at Denver, Colorado,

this 23rd day of December, 19 43.

(Decision No. 21717)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
REX POE) PERMIT NO. B-2932
Holyoke,)
Colorado.)
)

December 23, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Rex Poe, of Holyoke, Colorado, requesting that his Permit No. B-2932 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-2932, heretofore issued to Rex Poe, Holyoke, Colorado, be, and the same is hereby, declared cancelled effective November 30, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Thomas

Commissioners.

Dated at Denver, Colorado,

this 23rd day of December, 19 43.

(Decision 21718)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ANTHONY MORUZZI)
5129 Zuni St.) PRIVATE PERMIT NO. B-2142
Denver, 11, Colorado.)

December 23, 1943.

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 Permit No. B-2142 be suspended for the duration of the present war and six months thereafter.

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 ORDERED:

That Anthony Moruzzi, 5129 Zuni St., Denver, 11, Colorado, be, and he is hereby, authorized to suspend his operations under Permit B-2142 for the duration of the present war and six months thereafter.

That unless said Anthony Moruzzi shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado
this 23rd day of December 1943.

(Decision No. 21719)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF STEPHEN E. COLLINS, CLOE'S CABIN CAMP, LITTLETON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6532-PP

December 18, 1943

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 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 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 Stephen E. Collins, Littleton, Colorado, 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 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 December, 1943.

(Decision No. 21720)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. D. SECRIST, 4849 WEST CUSTER PLACE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 6531-PP

December 18, 1943

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, dirt, rock, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of seventy-five miles of Denver, to points within said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver; firewood from mountains west of Denver, and within a radius of seventy-five miles of Denver, to Denver; fertilizer between points within a radius of ten miles of 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.

After 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 E. D. Secrist, Denver, Colorado, 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, dirt, rock, and other

materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of seventy-five miles of Denver, to points within said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver; firewood from mountains west of Denver, and within a radius of seventy-five miles of Denver, to Denver; fertilizer between points within a radius of ten miles of 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 December, 1943.

hs

(Decision No. 21721)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESLEY J. HERTER, JOHNSTOWN, COLO-) APPLICATION NO. 6518
RADO, FOR CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

December 18, 1943

S T A T E M E N T

By the Commission:

On November 4, 1943, Wesley J. Herter, of Johnstown, Colorado, filed application with this Commission for a certificate of public convenience and necessity.

Said application was set for hearing at Greeley, Colorado, on December 8, 1943, at 1:00 o'clock P.M.

The Commission is now informed that applicant does not desire to prosecute his application, and requests that same be dismissed.

After 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 application 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

Commissioners

Dated at Denver, Colorado,
this 18th day of December, 1943.

hs

(Decision No. 21722)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SOUTHWESTERN TRANSPORTATION)
COMPANY, CANON CITY, COLORADO.)

PUC NO. 268

December 20, 1943

Appearances: Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for John Dilley;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
T. A. White, Esq., Denver, Colorado, for Denver and Rio Grande Western Railroad Company, and Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Southwestern Transportation Company, heretofore, in Application No. 1892, Decision No. 3969, was issued a certificate of public convenience and necessity, authorizing the transportation of:

> freight from point to point within the City of Canon City, and between points within a radius of thirty-five miles thereof, and between points within said radius and other points within the State of Colorado.

The original order prohibited transportation of freight consigned to or destined from points on the Westcliffe Branch of The Denver and Rio Grande Western Railroad Company. However, restriction is not now in effect, on account of the abandonment by said railroad of its Westcliffe Branch.

By letter, of date November 23, 1943, Southwestern Transportation Company asked that its certificate be amended by eliminating therefrom "the right and obligation to transport livestock and hay."

The matter was set for hearing, and heard, in Denver, Colorado, on December 3, 1943, after notice to all parties in interest.

It there appeared that, for a number of years, Southwestern Transportation Company has been actively engaged in movement of livestock and hay; that said service, for the most part, constituted a back-haul for its line haul service, and the two operations were coordinated; that during normal times, the arrangement was very satisfactory to customers of the company, and was a profitable arrangement for company; that, on account of increase in freight and livestock hauling, company has been having difficulty for a number of months coordinating the operations, and has been unable to conduct the services separately; that the livestock and hay hauling business in its territory has required considerable supervision by the management; that it has not been possible to give the time to that phase of its operations recently; that help now obtainable is inexperienced, and without considerable supervision, livestock cannot be handled satisfactorily by company; that Southwestern Transportation Company has arranged to sell livestock equipment to one John Dilley, a capable and experienced operator, who has applied for a certificate; that in the event his certificate is granted, Southwestern Transportation Company is of the opinion that the transportation needs of farmers and livestock raisers in its territory will be adequately cared for.

The Dilley Application, No. 6514, was consolidated for hearing with hearing on Southwestern Application to amend its certificate. The Commission, after consideration, granted said application for certificate, and in view of said action, is of the opinion that the request of Southwestern Transportation Company should be granted, of course, always without prejudice to the right of the Southwestern Transportation Company, should it, at some time in the future, believe that public convenience and necessity require similar service by it in the territory, to file an application for a certificate to engage in said business.

Therefore, after careful consideration of the application of

Southwestern Transportation Company to amend its certificate, the Commission is of the opinion, and finds, that the request should be granted.

O R D E R

IT IS ORDERED:

That Decision No. 3969, and certificate of public convenience and necessity No. 268 issued pursuant thereto, be, and the same hereby are, amended by eliminating and striking therefrom the right and obligation of Southwestern Transportation Company to transport livestock and hay under said certificate.

This order is without prejudice to the right of Southwestern Transportation Company to apply for certificate of public convenience and necessity in the future for the same service, should it desire so to do.

That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20th day of December, 1943.

R

(Decision No. 21723)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN DILLEY, CANON CITY, COLORADO,) APPLICATION NO. 6514
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

December 20, 1943

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for applicant;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company, Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant, John Dilley, herein seeks a certificate of public convenience and necessity to operate a motor vehicle common carrier transportation system, on call and demand, for the movement of farm products, specifically including livestock and hay, between points within a radius of thirty-five miles of Canon City, Colorado, and from and to points in said radius, to and from all points in the State of Colorado.

The matter was heard at Denver, Colorado, on December 3, 1943, and for the purpose of hearing, was consolidated with application of Southwestern Transportation Company to amend its certificate of public convenience and necessity which covers the territory sought to be served by applicant by striking therefrom its right to haul livestock and hay.

For applicant, it appeared that, for a number of years, he operated a livestock and farm service under a Class "B" permit issued by the Commission; that, more recently, he has been engaged in the business

of buying and selling farm produce, including livestock, as a Commercial Carrier; that he is an experienced and capable operator, and, as a for-hire carrier, furnished a livestock service which was very satisfactory; that he has four twenty-four-foot semi trailers, pulled by two Chevrolets, a Diamond-T, and Ford tractors; that he will acquire, under arrangement with Southwestern Transportation Company, a semi trailer body equipped with stock rack and a sixteen-foot straight truck, also equipped with stock rack, and has an option to purchase two additional pieces of equipment that were used by Southwestern in its livestock service; that his net worth is approximately thirty thousand dollars; that a great number of large ranches and productive farms are maintained in the area which applicant proposes to serve; that large quantities of livestock and farm produce must move to markets; that the public requires truck service for the handling of said products.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed common carrier operations of applicant, 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 operation by applicant of a motor vehicle common carrier transportation system, on call and demand, for the movement of farm products, specifically including livestock and hay, between points within a radius of thirty-five miles of Canon City, Colorado, and from and to points in said radius, 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 as required by the rules and regulations of this Commission within twenty (20) days from date.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20th day of December, 1943.

mw

(Decision No. 21724)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. J. MILLER, 904 HARRISON AVENUE, LEADVILLE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2293 TO ADA GERTZ AND SYLVIA GERTZ, CO-PARTNERS, DOING BUSINESS AS "CUSTOM ORE HAULERS," 1300 GLENARM PLACE, DENVER, COLORADO.

APPLICATION NO. 4883-PP-A

December 20, 1943

Appearances: T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

By Decision No. 12774, as amended by Decision No. 13220, W. J. Miller, of Leadville, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> ore from mines within a radius of ten miles of Leadville, to Leadville, Colorado.

He now seeks authority to transfer said permit to Ada Gertz and Sylvia Gertz, co-partners, doing business as "Custom Ore Haulers," Denver, Colorado.

The matter was set for hearing in Denver, Colorado, on December 3, 1943, and heard at said time, notwithstanding applicants failed to appear.

From the record, it appears that transferees are proper persons and able to carry on the operation.

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

O R D E R

IT IS ORDERED:

That W. J. Miller, Leadville, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit

No. B-2293 to Ada Gertz and Sylvia Gertz, co-partners, doing business as "Custom Ore Haulers," Denver, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20th day of December, 1943.

mw

(Decision No. 21725)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. D. BRADFORD, ORDWAY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6516-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

December 20, 1943

Appearances: E. D. Bradford, Ordway, 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:

At the hearing, in Walsenburg, Colorado, on December 6, 1943, it appeared that applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lumber from timber camps and mills in Huerfano, Custer, and Las Animas Counties, in intrastate service, and from timber camps and mills in northern New Mexico, in interstate service, to Ordway and the U. S. Ordnance Depot, located near North Avondale, in Pueblo County, with a back-haul of pallets from Ordway, by Colorado Highway No. 96 to said U.S. Ordnance Depot.

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.

It did not appear that the proposed operation will impair the efficiency of any authorized motor vehicle common carrier service now serving the territory sought to be served by applicant.

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 E. D. Bradford, Ordway, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lumber from timber camps and mills in Huerfano, Custer, and Las Animas Counties, in intrastate service, and from the Colorado-New Mexico State Line, where U. S. Highway No. 85 intersects said line, in interstate service, to Ordway and the U. S. Ordnance Depot, located near North Avondale, in Pueblo County, with back-haul of pallets from Ordway, via Colorado Highway No. 96, to said U. S. Ordnance Depot.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 December, 1943.

mw

(Decision No. 21726)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF PEARL WORKMAN, 1920 HUGUR AVENUE, CHEYENNE, WYOMING.) PERMIT NO. C-10881

December 28, 1943

S T A T E M E N T

By the Commission:

On December 12, 1939, the above numbered permit was issued to the said Pearl Workman. Our records disclose that in 1942 he advised the Commission that he was not operating, and had not operated under said permit since August, 1941, and had no further use for same, as he did not have a truck.

In view of this record, the Commission is of the opinion, and so finds, that said permit should be cancelled upon our records.

O R D E R

IT IS ORDERED:

That Permit No. C-10881 be, and the same is hereby, declared cancelled as of January 16, 1942.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of December, 1943

JH

(Decision No. 21727)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. C. BREWER, LA VETA, COLORADO, FOR A) APPLICATION NO. 6495-PP
CLASS "B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

December 28, 1943

Appearances: C. C. Brewer, La Veta, 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:

As limited by the testimony offered at the hearing in Walsenburg, Colorado, on December 6, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber products and logs from mills and timber camps in the Indian Creek and Silver Springs Districts of Huerfano County to sawmills at La Veta, and lumber from said mills to points within a radius of fifty miles of La Veta.

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 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. C. Brewer, La Veta, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber products and logs from mills and timber camps in the Indian Creek and Silver Springs Districts of Huerfano County to sawmills at La Veta, and lumber from said mills to points within a radius of fifty miles of La Veta.

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 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Thomson

Edward E. Wheeler

Marian Epis

Commissioners

Dated at Denver, Colorado,
this 28th day of December, 1943

JH

(Decision No. 21728)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES HOPPER, 2024 FRANKLIN ST., CANON CITY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6494-PP

December 28, 1943

Appearances: Charles Hopper, Canon City, 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:

The above-styled application was heard in Pueblo, Colorado, on December 6, 1943.

It there appeared that applicant seeks to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vermiculite between points within a radius of fifty miles of Canon City; that vermiculite is produced at a number of mines within said area, and is processed at a mill located in or near Canon City, Colorado.

It further appeared that applicant, pecuniarily and otherwise, is qualified to carry on the operation.

After 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 Charles Hopper, Canon City, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vermiculite between points within a radius of fifty miles of Canon 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 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.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

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 December, 1943

JH

(Decision No. 21729)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM FERRIER, BOONE, COLORADO,) APPLICATION NO. 3675-PP-AB
FOR AN EXTENSION OF PERMIT NO.)
A-1799.)

December 20, 1943

Appearances: William Ferrier, Boone, Colorado, pro se;
J. B. Wright, Pueblo, 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:

The above-styled matter was heard at Pueblo, Colorado, on December 6, 1943.

Applicant, who, under his Private Carrier Permit No. A-1799, is authorized to transport:

> farm products, including livestock, from the Thatcher ranch near Nepesta and farms within the area extending 20 miles south, 25 miles north, 6 miles east, and 10 miles west of Boone, to Pueblo, Boone, and Denver

herein seeks authority to extend his operations under said permit to include the right to transport said commodities between all points in said territory, and from and to points in said area, to and from points within a radius of one hundred and fifty miles of Boone, Colorado.

The case made by him at the hearing, primarily, was based on the contention that existing common carrier service in the area is inadequate, not only on account of increased business, but because carriers do not have sufficient equipment to care for the demands of the farmers and ranchers; that all carriers have more business than they can care for.

Applicant stated that he has two tandem jobs that can handle eleven tons of beans each, and with trailers added, which he also owns, can handle from sixteen to eighteen tons of beans each; that a tremendous

crop of beans was raised in the Boone area during 1943; that he regularly, from year to year, has "lined up" with the best thresher in the county, and has supplied the thresher with two trucks at all times, so that he has been able to give dependable and adequate service; that he is the only carrier who has equipment which can get out into the sandy fields and move loads large enough to return a profit; that Fowler Truck Line does not ha ve equipment; that Sid Wright has only one truck which, during most of last season, was out of service; that Miles Runge, at Fowler, can move only five or six tons in a trip with his trucks; that J. B. Wright kept only one truck for hay and one truck for beans in the Boone territory; that applicant has combination beds and racks for his trucks, and can give the farmers the service they want when they want it; that beans used to move to Boone and Pueblo, but now farmers want them moved to a new elevator at Rocky Ford; that grain and hay move to feeders in the Boone territory; that Tom Malone, at Boone, is one of his principal customers; that he resides at the Malone Feed Ranch, where Malone feeds hogs extensively; that the hogs are purchased in the San Luis Valley, and fed by Malone at his place in Boone; that large numbers of cattle now move to two sales rings at La Junta, although older cattle still moves to Denver; that he is not seeking to enlarge his pick-up territory, but wants point to point service and service out of the area, in order to care for the needs of his present customers; that he asked for one hundred and fifty miles because his insurance covers that area, and "I might as well put in for a higher radius, because that would take care of me in every way."

Tom Malone stated that he was a buyer for Swift and Company in Denver; that he buys stock hogs and fattening hogs in the Valley; that Ferrier hauls hogs to Denver from Boone, and he wants Ferrier to haul hogs from the Valley because he has been unable to get service when he wanted it; that, at times, he has used Ashton, Walker, and Skingle's service

but due to the fact that truckers were busy, he has suffered considerable loss on account of delays, as delays mean extra feed and loss in weight; that he has enough business to keep a trucker busy, and from experience has found that when he gives one trucker all his business, he gets better service because that trucker does not have to depend upon others for business.

Hubert Wright, who formerly owned Permit No. A-1799, stated that he was engaged in ranching and buying livestock; that since the entry of the United States into the war, trucking service has been inadequate; that more stock is moving and truckers are too busy to move it; that he has been compelled to wait considerable periods of time for service.

J. B. Wright, PUC No. 1178, who is authorized to serve the territory, stated that he could not understand why Mr. Ferrier wanted an extension; that, for months, he had been furnishing the service without authority which he now seeks authority to perform; that such service has been without objection on his part or objection by other carriers; that, ordinarily, he, Green, and other authorized carriers would be able to care for the business in their territory, but due to the war, inability to get additional equipment, and lack of drivers, they have been unable to serve the public adequately; that he has no objection to Ferrier continuing to serve during the Emergency.

It would seem that additional carrier service is now required in the Boone territory; that authorized carriers are unable to satisfy the requirements of farmers. It also appeared that this need for additional service probably is due to the emergency created by the war, and may cease with its termination. Moreover, applicant made no showing that in and out service was needed by his customers from or to points other than Rocky Ford, La Junta, and points in the San Luis Valley.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds that the authority sought, as hereinafter limited, should be granted, to end with the termination of the war with Germany.

O R D E R

IT IS ORDERED:

That William Ferrier, Boone, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. A-1799 to include the right to transport farm products, including livestock, between points within the area extending 20 miles south, 25 miles north, 6 miles east, and 10 miles west of Boone, Colorado, and from and to points in said area, to and from Pueblo, Denver, Rocky Ford, La Junta, and points in the San Luis Valley, and the transportation of said commodities from and to the Thatcher Ranch, near Nepesta, to and from points in said Nepesta area and Pueblo, Denver, Rocky Ford, La Junta, and points in the San Luis Valley, during the period of the war of the United States with Germany, his authority thereafter to be as stated in Decision No. 9187.

This order is made a part of the permit granted to applicant.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 December, 1943.

hs

Decision No. 21730

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF GUY A. THOMPSON, TRUSTEE, MISSOURI PACIFIC RAILROAD COMPANY, DEBTOR; FOR AUTHORITY FOR OPTIONAL USE OF REFLECTOR-TYPE SWITCH SIGNALS ON THE MISSOURI PACIFIC RAILROAD LINE IN COLORADO.	APPLICATION NO. 6530

December 20, 1943

S T A T E M E N T

By the Commission:

On December 14, 1943, Guy A. Thompson, Trustee, of the Missouri Pacific Railroad Company, by J. W. Preston, his Attorney, filed an application with the Commission for authority for optional use of a reflector-type of switch lamps for the ordinary kerosene switch lamps on The Missouri Pacific Railroad Line in Colorado.

The railroad company owns and operates main line of railroad in the State of Colorado with appurtenant branches, side tracks, spurs, and switches on which switches they presently employ the commonly-used oil switch lamp as signals to indicate at night the position of such switches.

They allege that oil lamp-type of switch lamp is improper in that the light flame may be extinguished by wind or storm or go out as a result of oversight in replacing the oil, leakage of oil, or unanticipated failure in some part of the lamp, and is lacking in the desired brilliancy and carrying power of the light rays.

The Commission has heretofore entered its orders in smiliar applications, i.e. Application 5645, Decision 17596 and Application 6507, Decision 21647, authorizing the substitution of properly-designed reflector-type of lamp for a switch lamp for use on all main line or side-track switches used to indicate the position of switching points, except in yards or terminals where car or cars are

placed ahead of the engine in switching, and a smilar order will be entered in the instant application.

O R D E R

IT IS ORDERED:

That the Missouri Pacific Railroad Company, by Guy A. Thompson, its Trustee, be and is hereby permitted to use in the State of Colorado, at its option, a properly-designed type of reflector-switch lamp on any main and side-track switch in lieu of the ordinary oil-switch lamp, except in yards or terminals where in switching cars, a car or cars are placed ahead of the engine, or where other conditions exist that might prevent proper reflection of the lamp from the head light.

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 20th day of December, 1943

(Decision No. 21731)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE E. BATEMAN, MANITOU)
SPRINGS, COLORADO)

P.U.C. NO. 142

December 23, 1943

S T A T E M E N T

By the Commission:

Heretofore, certificate of public convenience and necessity No. 142 was issued to George E. Bateman of Manitou, Colorado. The Commission is now advised that the said George E. Bateman departed this life on March 11, 1942, and we have been further advised by his brother-in-law that said certificate may be cancelled.

In view of this information, the Commission is of the opinion, and so finds, that said Certificate No. 142 should be cancelled.

O R D E R

IT IS ORDERED:

That certificate of public convenience and necessity No. 142, heretofore issued to George E. Bateman, be, and the same is hereby, cancelled.

This order shall be effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23d day of December, 1943.

hs

(Decision No. 21732)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PEARL NEIDERHISER, 2039 EAST 9TH,)
PUEBLO, COLORADO, FOR A CLASS "B") APPLICATION NO. 6493-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

December 23, 1943

Appearances: Pearl Neiderhiser, Pueblo, Colorado, pro se;
J. B . Wright, Pueblo, 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:

The above-styled matter was heard at Pueblo, Colorado, on December 6, 1943, due notice of the time and place of hearing being forwarded to applicant at the address given in the application.

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

Thereupon, J. B. Wright moved that said application be dismissed for lack of prosecution.

The matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That the instant application be, and the same 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

Commissioners

Dated at Denver, Colorado,
this 23d day of December, 1943.

(Decision No. 21733)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH SOUTH, ORDWAY, COLORADO, FOR) APPLICATION NO. 4964-PP-B
AN EXTENSION OF PERMIT NO. B-2624.)

December 23, 1943

Appearances: Ralph South, Ordway, 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:

The above-styled matter was heard at Pueblo, Colorado, on December 6, 1943.

It there appeared that applicant seeks authority to extend operations under Permit No. B-2624, which authorizes the transportation of:

> houses, used box cars and refrigerator cars from point to point within that part of a fifty-mile radius of Ordway, Colorado, which is north of U. S. Highway No. 96; provided, however, that the applicant will not use U. S. Highways Nos. 50 and 85, and will, in all events, when using a highway, comply with all highway rules and regulations,

to include the right to transport all types of buildings.

In conducting his operations, applicant has found that it is necessary to move granaries and other farm buildings, which probably are not included in the description "houses, used box cars and refrigerator cars."

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

After careful consideration of the record, the Commission is of the opinion, and finds, that the extension sought should be granted, and that said order and decision, No. 13412, should be amended by changing and inserting the word "buildings" in the third line of the first paragraph of the Order, in lieu of the words "houses, used box cars and refrigerator cars."

O R D E R

IT IS ORDERED:

That application of Ralph South, Ordway, Colorado, for an extension of Permit No. B-2524 be granted, and that Decision No. 13412 be, and it hereby is, amended, by changing the words "houses, used box cars and refrigerator cars" in the third line of the first paragraph of the Order, to "buildings".

That Decision No. 13412, in all other respects, shall remain in full force and effect.

This order is made a part of the permit granted to applicant.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23d day of December, 1943.

hs

(Decision No. 21734)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE ADMINISTRATOR OF THE ESTATE OF MARTIN B. LARSON, DECEASED, FOR A TRANSFER OF CERTIFICATE NO. 450 TO VERNON E. CARLSON, BOULDER, COLORADO.

APPLICATION NO. 1447-A

December 21, 1943

Appearances: Truman Stockton, Esq., Denver, Colorado; and Marion F. Jones, Esq., Denver, Colorado; for applicants.

S T A T E M E N T

By the Commission:

On January 24, 1930, by Decision No. 2697, Martin B. Larson was granted a certificate of public convenience and necessity authorizing the

> "conduct of a transfer, moving and general cartage business in the counties of Boulder, Larimer and Weld, in the State of Colorado, and for occasional service throughout the State of Colorado, and each of the counties thereof, subject to the terms and conditions hereinafter stated."

The conditions above referred to provide that for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as 20% higher in all cases than those charged by scheduled carriers; that applicant shall not operate on schedule between any points; that applicant shall not engage in business of carrying parcels and packages commonly carried by carriers rendering an express service; and that applicant shall not be permitted without further authority from this Commission to establish a branch office or to have an agent employed in any other town or city than Boulder for the purpose of developing business.

The instant hearing, which was held at Boulder, Colorado, on December 17, 1943, seeks authority to transfer said certificate which had been designated No. 450, by Knute B. Larson, administrator of the estate of the said Martin B. Larson, deceased, to Vernon E. Carlson of Boulder, Colorado.

The evidence disclosed that on October 20, 1943, an order had been issued by the Judge of the County Court of the County of Boulder, authorizing the sale of said certificate by said administrator and a certified copy of said order was filed for record.

It was further disclosed that the consideration for said transfer was the sum of $1,000.00 cash, which included the transfer of one 1936 Chevrolet truck. The financial standing and operating reliability of said transferee was established to the satisfaction of the Commission. It does not appear that any outstanding obligations exist against the operations conducted under said certificate by the said Martin B. Larson, deceased. No protests were interposed to the granting of the authority sought.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Knute B. Larson, administrator of the estate of Martin B. Larson, deceased, be, and he is hereby, authorized to transfer to Vernon E. Carlson all of the right, title and interest of the said Larson estate, in and to certificate of public convenience and necessity No. 450.

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 21st day of December, 1943

(Decision No. 21735)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. C. WALKER, BOX 122, JOHNSTOWN,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 6525-PP
OPERATE AS A PRIVATE CARRIER BY) (AMENDED APPLICATION NO. 6525)
MOTOR VEHICLE FOR HIRE.)

December 24, 1943

Appearances: H. C. Walker, Johnstown, Colorado, pro se;
M. S. Weber, Greeley, Colorado, for Union Delivery Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

At the hearing, in Greeley, Colorado, on December 8, 1943, on applicant's petition for authority to operate as a Class "B" private carrier by motor vehicle for hire, it developed that applicant wanted to serve the community, generally. Thereupon, he asked that his application be treated as an application for a common carrier certificate, to which request all protestants agreed. Thereupon, the matter proceeded as a hearing on an application for common carrier authority.

It developed that applicant wanted to haul general freight on call and demand between points within a radius of five miles of Johnstown, Colorado, and farm products, including livestock, and water between points within the area extending five miles north, and fifteen miles south, east and west of Johnstown, and farm products from points in said area to Greeley.

There was no objection to the granting of the authority, as limited.

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

It also appeared that Johnstown is the center of a substantial farming community; that it is a railroad point; that much freight consigned to residents of Johnstown, the Great Western Sugar Company factory, the condensery, and other business houses and farmers in the area, moves into Johnstown by rail; that applicant proposes to deliver said freight to consumers; that there is considerable demand for other cartage service in said five-mile area; that farmers who formerly were able to move their products and supplies in their trucks no longer are able to do so, not only on account of lack of trucks, but also because they are too busy with their farming operations to transport the commodities they produce.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed common carrier operation of applicant, 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 call and demand common carrier motor vehicle service of applicant for the conduct of a general cartage and transfer business in Johnstown, Colorado, and between points within a radius of five miles thereof, and the transportation of farm products, including livestock, and water, between points within the area extending five miles north, and fifteen miles south, east and west of Johnstown, Colorado, and the transportation of farm products from points in said last-mentioned area to Greeley, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

Applicant shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 24th day of December, 1943.

HW

(Decision No. 21736)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RONALD EARHART, BOONE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6492-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

December 24, 1943

Appearances: William E. Anderson, Esq., Thatcher Building, Pueblo, Colorado, and H. P. Vories, Esq., Thatcher Building, Pueblo, Colorado, for applicant;
J. B. Wright, Pueblo, 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:

The above-styled matter was set for hearing in Pueblo, Colorado, on December 6, 1943, upon applicant's petition for authority to transport farm products and coal between points within a radius of twenty miles of Avondale, and from and to points in said area, to and from points in the State of Colorado, without the right to serve between points served by common carriers.

At the hearing, applicant testified that he has 450 coal customers whom he desires to serve under the permit; that he also has transportation contracts from the Government in excess of $50,000 to move fertilizer from Camp Carson at Colorado Springs, and coal from Fremont County and Huerfano County coal mines to army airbase near Pueblo; that, in addition, from time to time, he has moved limestone and gravel to said camps; that the movement of fertilizer involves transportation of 5,000 tons, at $2.90 per ton, and requires use of his trucks

during the daytime; that, after daylight hours, he has been hauling approximately 100 tons of coal daily from the mines to other customers in Pueblo. He now wants to get a permit in order that he may have authority from the Commission to continue the service.

As to the transportation of farm products, which chiefly would consist of grain and hay -- baled and loose (no livestock), he stated that he does not care to engage in that service at this time, because his trucks are fully occupied, but wants to be in a position to haul farm products during the next harvest season. Apparently, he does not have any customers in view at this time.

It will be observed that applicant does not include a request in the application he filed to haul fertilizer, limestone, or gravel, which is the business that he wants to engage in presently. Buel Lowder, a call and demand carrier serving Pueblo County, filed a written protest, but failed to appear at the hearing. He had no notice of applicant's desire to haul commodities other than coal and farm products.

Application was opposed by J. B. Wright, who stated that he had no objection to the granting of the authority to applicant to haul anything going to or from the airbase, or to the granting of authority for transportation of coal, fertilizer, gravel, limestone, and loose hay, but he does object to the granting of authority to haul farm products.

In view of the fact that applicant does not, at this time, desire to engage in the transportation of farm products for known customers, and his application failed to state his desire to transport fertilizer, limestone, and gravel, so that interested carriers had no notice of his request to transport such commodities, it would seem that application, necessarily, must be denied for service other than the transportation of coal, which service should be permitted. If applicant desires to file an amended application to include gravel, fertilizer and limestone, he can file application for rehearing and permission to file an amended application, which can then be set down for hearing, upon notice.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized

to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal, only, and that application, in all other respects, should be denied.

O R D E R

IT IS ORDERED:

That Ronald Earhart, Boone, 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 from mines in Huerfano and Fremont Counties to points within a radius of twenty miles of Avondale, 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

That said application, in all other respects, should be, and the same hereby is, 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 24th day of December, 1943.

mw

(Decision No. 21737)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VON L. PENLAND, BOX 184, EATON,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 6519-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

December 24, 1943

Appearances: Von L. Penland, Eaton, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
M. S. Weber, Greeley, Colorado, for Union Delivery Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Greeley, Colorado, on December 8, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, except livestock, from farms within a five-mile radius of U. S. Highway No. 85, extending from Nunn to Lucerne, and from farms within five miles of State Highway No. 5 between Galeton and Severance, to railheads, storage points, markets, and feed lots in said area.

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

He does not contemplate any town to town service. Chiefly, he will haul potatoes, grain, beets, onions, and similar products to storage.

There was no objection to the granting of the authority sought.

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

O R D E R

IT IS ORDERED:

That Von L. Penland, Eaton, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, except livestock, from farms within five miles of U.S. Highway No. 85, extending from Nunn to Lucerne, and from farms within five miles of State Highway No. 5 between Galeton and Severance, to railheads, storage points, markets, and feed lots in said area, applicant not to transport any commodities under this permit between towns served by line haul motor vehicle common carriers.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 24th day of December, 1943.

mw

(Decision No. 21738)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT RIGGS, ROUTE 1, BOX 215,)
GREELEY, COLORADO, FOR A CLASS "B") APPLICATION NO. 6524-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

December 24, 1943

Appearances: Albert Riggs, Greeley, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
M. S. Weber, Greeley, Colorado, for Union Delivery Company.

S T A T E M E N T

By the Commission:

As limited by the testimony at the hearing, in Greeley, Colorado, on December 8, 1943, applicant, who resides four miles northeast of Greeley, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce from farms within a radius of twenty-five miles of Greeley to Mathews Produce Company, in Greeley, Colorado.

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 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 Albert Riggs, Greeley, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire

for the transportation of farm produce from farms within a radius of twenty-five miles of Greeley to Mathews Produce Company, in Greeley, 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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

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 24th day of December, 1943.

mw

(Decision 21739)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
L. R. MARTIN)
Colby, Kansas) PRIVATE PERMIT NO B-1465-I
)

December 29, 1943.

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 Permit No. B-1465-I be suspended for a period of six months from December 9, 1943.

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 ORDERED:

That L. R. Martin of Colby, Kansas be, and he is hereby, authorized to suspend his operations under Permit No. B-1465-I for a period of not to exceed six months from December 9, 1943.

That unless said L. R. Martin shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado
this 29th day of December 1943.

(Decision 21740)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CHAS. J. RAWALT)
3126 West 41st Ave) PRIVATE PERMIT NO. B-2324
Denver, 11, Colorado.)

December 29, 1943.

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 Permit No. B-2324 be suspended for a period of six months from November 29, 1943.

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 ORDERED:

That Charles J. Rawalt of 3126 West 41st Ave, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2324, for a period of not to exceed six months from November 29, 1943.

That unless said Charles J. Rawalt shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry R. Silverman

Edward J. Keeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado
this 29th day of December 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MONTROSE FLOUR MILLING CO.)
Montrose,) PRIVATE PERMIT NO. A-381
Colorado.)

December 29, 1943.

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 Permit No. A-381 be suspended for a period of six months from December 1, 1943.

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 ORDERED:

That Montrose Flour Milling Company, of Montrose, Colorado, be, and they are hereby, authorized to suspend their operations under Permit No. A-381 for a period of not to exceed six mo ths from December 1, 1943.

That unless said Montrose Flour Milling Company shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Atkinson

Edward D. Beckett

Malcolm Erickson
Commissioners.

Dated at Denver Colorado
this 29th day of December, 1943.

(Decision 21742)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
E. L. TITTLE)
Johnstown,) PRIVATE PERMIT NO. A-552
Colorado.)

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in rec ipt of a communication from the above named permittee, requesting that Permit No. A-552, be suspended for a period of six months from November 8, 1943.

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 ORDERED:

That E. L. Tittle, Johnstown, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. A-552, for a period of not to exceed six months from November 8, 1943.

That unless said E. L. Tittle shall, prior to the 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 applicalbe to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado
this 29th day of December 1943.

(Decision No. 21743)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RAYMOND C. WOODARD) PERMIT NO. C-14808
Akron)
Colorado.)
)

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Raymond C. Woodard of Akron, Colorado, requesting that his Permit No. C-14808 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-14808, heretofore issued to Raymond C. Woodard, Akron, Colorado, be, and the same is hereby, declared cancelled effective December 7, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 19 43

(Decision 21744)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RAYMOND C. WOODARD)
Akron,) PRIVATE PERMIT NO. B-2956
Colorado.)

December 29, 1943.

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 Permit No. B-2956 be suspended for a period of six months from December 7, 1943.

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 ORDERED:

That Raymond C. Woodard of Akron, Colorado, be, and he is hereby, authorized to suspend his operations under permit No. B-2956 for a period of not to exceed six months from December 7, 1943.

That unless said Raymond C. Woodard shall, prior to the 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 the right to re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado
this 29th day of December 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * * *

IN THE MATTER OF THE)
APPLICATION OF)
WILLEFORD & SONS)
PEETZ COLORADO)

APPLICATION NO. 3351-PP

December 29, 1943.

S T A T E M E N T

By the Commission:

On August 12, 1936 by Decision No. 8244, in Application No. 3351-PP Willeford & Sons of Peetz, Colorado were granted authority to operate as a Class "B" Private Carrier by Motor Vehicle for hire.

The Commission is now in receipt of a communication from said Applicant requesting that said authority 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 the authority granted to Willeford & Sons, in Application No. 3351-PP by Decision No. 8244, be, and the same is hereby, declared candelled effective December 6, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado
this 29th day of December, 1943.

(Decision No. 21746)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHRISTENSEN IMPLEMENT CO)
2030 Fifteenth St.) PERMIT NO. C-4170
Denver 2, Colorado)
)

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Christensen Implement Co. of 2030 Fifteenth St. Denver 2, Colo., requesting that his Permit No. C-4170 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-4170, heretofore issued to Christensen Implement Co., 2030 Fifteenth St. Denver, 2, Colorado be, and the same is hereby, declared cancelled effective October 4, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomson

/s/ Edward E. Keller

/s/ Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 1943

(Decision No. 21747)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
EDWARD J. SERRY) PERMIT NO. C-8210
Whitewater, Colorado)
c/o Pryor Saw Mill)
)

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edward J. Serry of Whitewater, Colorado, requesting that his Permit No. C-8210 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-8210, heretofore issued to Edward J. Serry, Whitewater, Colorado, be, and the same is hereby, declared cancelled effective November 26, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward D. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 19 43

(Decision No. 21748)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
P. J. CALLAGHAN)
923 Cedar)
Rawlins, Wyoming.)
)

PERMIT NO. C-8792

December 29, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from P. J. Callaghan of 923 Cedar, Rawlins, Wyo., requesting that his Permit No. C-8792 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-8792, heretofore issued to P. J. Callaghan, 923 Cedar, Rawlins, Wyoming, be, and the same is hereby, declared cancelled effective December 15, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 19 43.

(Decision No. 21749)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ED WAECHTER)
Pagosa Springs,)
Colorado)
)

PERMIT NO. C-9837

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ed Waechter, of Pagosa Springs, Colorado, requesting that his Permit No. C-9837 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-9837, heretofore issued to Ed Waechter, Pagosa Springs, Colorado, be, and the same is hereby, declared cancelled effective December 11, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Adamson

Edward C. Keller

Braden Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 1943

(Decision No. 21750)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
KARL BODDY)
2500 S. Washington)
Denver 10 Colorado)
)

PERMIT NO. C-12553

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Karl Boddy of 2500 S Washington Denver 10 Colo., requesting that his Permit No. C-12553 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-12553, heretofore issued to Karl Boddy, 2500 S. Washington, Denver, 10, Colorado. be, and the same is hereby, declared cancelled effective December 4, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Thorson

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 19 43

(Decision No. 21751)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LeRoy McKenney)
209 South 4th)
Lamar Colo)
)

PERMIT NO. C-12854

December 29th 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from LeRoy McKenney of 209 South 4th, Lamar Colorado, requesting that his Permit No. C-12854 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-12854, heretofore issued to LeRoy McKenney, 209 South 4th, Lamar, Colorado, be, and the same is hereby, declared cancelled effective December 11, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomson

Dan E. O'Neill

Thelma Ericson

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 19 43

(Decision No. 21752)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. A. CONE)
Argonia,)
Kansas.)
)

PERMIT NO. C-13326

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. A. Cone of Argonia, Kansas, requesting that his Permit No. C-13326 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-13326, heretofore issued to W. A. Cone, Argonia, Kansas, be, and the same is hereby, declared cancelled effective December 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson

Edward D. Timmerly

Nicholas Eisenmann

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 19 43

(Decision No. 21753)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ARTHUR RICORD)
822 Normal)
Alva, Oklahoma)
)

PERMIT NO. C-14713

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Arthur Ricord, of 822 Normal, Alva Oklahoma, requesting that his Permit No. C-14713 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-14713, heretofore issued to Arthur Ricord, 822 Normal, Alva, Oklahoma, be, and the same is hereby, declared cancelled effective December 13, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 19 43

(Decision No. 21754)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEO. T. MILLIKEN) PERMIT NO. C-14078
2555 Larimer St.)
Denver, 5, Colorado.)
)

December 29, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Geo. T. Milliken of 2555 Larimer St, Denver 5, Colo, requesting that his Permit No. C-14078 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-14078, heretofore issued to Geo. T. Milliken, 2555 Larimer St., Denver 5, Colorado, be, and the same is hereby, declared cancelled effective December 14, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Commissioners.

Dated at Denver, Colorado,

this 29th day of December, 19 43

(Decision No. 21755)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. GREENFIELD, BRIGHTON, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 6440-PP-A
A-735 TO ELMER J. SCHULTZ, 53 SOUTH)
TENTH STREET, BRIGHTON, COLORADO)

December 23, 1943

Appearances: L. Greenfield, Brighton, Colorado,
pro se;
Elmer Schultz, Brighton, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer & Storage Co.

S T A T E M E N T

By the Commission:

On June 15, 1934, L. Greenfield was issued a private permit designated as Number A-735, authorizing service to and from all points within the counties of Arapahoe, Adams, Morgan, Weld and Boulder.

The instant application seeks authority to transfer said permit to Elmer J. Schultz.

At the hearing, which was held in Denver, Colorado on December 23, 1943, the evidence disclosed that no obligations are outstanding against operations of transferor and the consideration to be paid for the transfer is the sum of $500.00. The transferee's financial standing and operating reliability were established to the satisfaction of the Commission. No protests were interposed to the granting of the authority sought.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That L. Greenfield be, and he hereby is, authorized to transfer all his right, title and interest in and to permit A-735 to Elmer J. Schultz.

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.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23d day of December, 1943.

hs

(Decision No. 21756)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HOWARD C. THOMPSON, 1015 SIXTH ST., GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER P.U.C. NO. 520 TO RAY REED, P. O. BOX 429, GREELEY, COLORADO.	)	APPLICATION NO. 1610-B-AA

December 28, 1943

Appearances: Hubert D. Waldo, Esq., Greeley, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company

S T A T E M E N T

By the Commission:

The above-styled matter was heard in Greeley, Colorado, on December 8, 1943.

Howard C. Thompson herein seeks authority to transfer to Ray Reed his certificate of public convenience and necessity (PUC No. 520), which he acquired from R. M. Slapper, pursuant to Decision No. 14365. Under said certificate, transferor is authorized to transport:

> livestock between points within a territory extending 18 miles north, 20 miles east, 20 miles south, and 10 miles west of Greeley, and from and to points in said area, to and from points in the State of Colorado, with the proviso that "until further order of this Commission, equipment of applicant shall be limited to use of one 1 1/2-ton truck and semi-trailer."

At the hearing, it appeared that transferor does not have any unpaid operating obligations; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation. The consideration for the transfer of certificate and equipment of transferor is the sum of $3,250.00.

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted, transferee's authority under said permit to be limited, as heretofore set forth.

O R D E R

IT IS ORDERED:

That Howard C. Thompson, Greeley, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to P.U.C. No. 520 to Ray Reed, Greeley, 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.

That in the operations of transferee under said certificate he shall be limited to the use of one 1 1/2-ton truck and semi-trailer.

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 December, 1943

JH

(Decision No. 21757)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK O. McCONNELL, LA PORTE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1541 TO PAT GRIFFIN, 801 NORTH COLLEGE AVENUE, FORT COLLINS, COLORADO.

APPLICATION NO. 3164-PP-BA-B-A

December 28, 1943

Appearances: Holden T. Hill, Esq., Fort Collins, Colorado, for applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

STATEMENT

By the Commission:

The above-styled matter was heard in Greeley, Colorado, on December 8, 1943.

Frank O. McConnell, La Porte, Colorado, herein seeks authority to transfer his Private Carrier Permit No. B-1541 to Pat Griffin, Fort Collins, Colorado, he being authorized thereunder to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> (a) livestock from point to point within the Red Feather Lakes section and Upper Laramie River Basin, which lies north of Colorado Highway No. 14, east of Glendevey, west of U. S. Highway No. 287, and south of the Colorado-Wyoming State Line, and from and to points in said area, to and from points in northern Colorado, including Denver; (b) coal from mines in the northern Colorado coal fields to said Red Feather Lakes section and Upper Laramie River basin; (c) hay from farms in said area to feed lots in northern Colorado; (d) Christmas trees, mine props, and native timber to Denver and mines in the northern Colorado coal fields, from Park and Larimer Counties; (e) sand, gravel, rock, cement, and other road surfacing materials, only, from point to point within a radius of seventy-five miles of Fort Collins.

The consideration for the transfer of said permit is the sum of $325.00. Operating obligations of transferor have been satisfied. Transferee has a net worth of approximately $15,000.00. It appeared that he is qualified, by reason of seven years' experience as a trucker, to carry on the operation.

After 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 Frank O. McConnell, La Porte, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-1541 to Pat Griffin, Fort Collins, 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 28th day of December, 1943
JH

(Decision No. 21758)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN BRINKMAN, WINDSOR, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 4593-PP-BA
A-600 TO J. P. HALLER, 1514 LONGS)
PEAK STREET, LONGMONT, COLORADO.)

* * * * * * * * *
December 28, 1943
* * * * * * * * *

Appearances: John Brinkman Windsor, Colorado, pro se;
J. P. Haller, Longmont, 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:

The above-styled matter was heard at Greeley, Colorado, on December 8, 1943.

John Brinkman herein seeks authority to transfer his Private Carrier Permit No. A-600 to J. P. Haller, he being authorized under said permit to transport:

> milk and cream from an area bounded on the east by U. S. Highway No. 85, on the south by State Highway No. 16, on the west by a line running north and south one and one-half miles west of Tinmath, Colorado, and on the north by the Colorado-Wyoming State Line, to the condensery at Johnstown, Colorado, with a return of empty cans.

At the hearing, it appeared that the consideration for the transfer of said permit and equipment of transferor is the sum of Five Thousand Dollars in cash; that transferor has no outstanding unpaid operating obligations; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation.

After 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 John Brinkman, Windsor, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-600 to J. P. Haller, Longmont, 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.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of December, 1943.

hs

(Decision 21759)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL E. BROCK, 938 STARBIRD STREET,)
LONGMONT, COLORADO, FOR A CLASS "B") APPLICATION NO. 6523-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

December 28, 1943

Appearances: Earl E. Brock, 938 Starbird St.,
Longmont, Colorado, pro se;

S T A T E M E N T

By the Commission:

Hearing on the instant application was held at Boulder, Colorado, December 17, 1943. The evidence disclosed that applicant is the owner of a 1934 one and one-half ton GMC truck which is clear of all encumbrances. His financial standing and operating reliability were established to the satisfaction of the Commission. According to the testimony of applicant, a need exists in the Longmont area for the service which he proposes to render, due to the fact that one of the operators who has heretofore handled this business is ceasing operations.

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

The authority should be a Class "A" instead of a Class "B" permit as all transportation is to a fixed terminus. See Rule 2 of Private Carrier Act.

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

O R D E R

IT IS ORDERED:

That Earl E. Brock of Longmont, Colorado, be, and he is hereby, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of cement from the cement plant near Fort Collins to Longmont; plaster from the plant west of Loveland to Longmont, and coal from mines in the northern Colorado coal fields to Longmont.

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.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 28th day of December, 1943.

hs

(Decision No. 21760)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
RALPH AND ANN BRACEGIRDLE, ERIE,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 6526-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

December 28, 1943

S T A T E M E N T

By the Commission:

The instant application was set for hearing at Boulder, Colorado on December 17, 1943. However, when same was called, no appearance was entered on behalf of applicants, although our records disclose that due notice thereof was mailed to them. As the Commission is without any word from applicants as to why they did not appear and testify in support of their application, we are of the opinion, after careful consideration of the matter, that the instant application should be dismissed for failure to prosecute.

O R D E R

IT IS ORDERED:

That the instant application be and the same is hereby dismissed for failure to prosecute.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 28th day of December, 1943.

hs

(Decision No. 21761)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TONY CASTILLO, 2732 W. Colfax Ave,) CASE NO. 31329-Ins.
DENVER 4, COLORADO.)

December 29, 1943

S T A T E M E N T

By the Commission:

On December 8, 1943, Permit No. B-2885 was revoked for failure to have on file the necessary insurance required by law and our rules and regulations. Thereafter, effective and valid insurance was filed which showed no lapse, and it appears that failure to file same was due to negligence on the part of the insurance company. Request has been made that permit be reinstated.

After 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 Permit No. B-2885 be, and the same is hereby, reinstated, effective as of December 8, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 29th day of December, 1943

JH

(Decision No. 21762)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. A. GRIFFITH, CENTRAL CITY, COLORADO,) PERMIT NO. A-792
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PERMIT NO. A-792.)

December 29, 1943

S T A T E M E N T

By the Commission:

On October 16, 1943, L. A. Griffith, of Central City, Colorado, filed application with this Commission for authority to extend operations under Permit No. A-792, as set forth in said application.

The Commission is now in receipt of a communication from applicant, by his attorney, L. J. Williams, requesting that said application for extension be dismissed, without prejudice.

After 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 application be, and the same hereby is, dismissed, without prejudice.

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 29th day of December, 1943
JH

(Decision No. 21763)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLARENCE BOSHART, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5543-PP

December 29, 1943

S T A T E M E N T

By the Commission:

On March 18, 1941, by Decision No. 16854, Clarence Boshart, of Colorado Springs, Colorado, was issued a Class "B" permit authorizing service as a private carrier by motor vehicle for hire.

Request has now been received from said permittee to eliminate from the authority granted under said permit the transportation of hay and grain, as well as all territory in which he is authorized to transport sand and gravel within a radius of fifty miles of Denver, Colorado.

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

O R D E R

IT IS ORDERED:

That the authority granted under said Decision No. 16854 be, and the same is hereby, amended by the elimination therefrom of the right to transport hay and grain, as well as the transportation of sand and gravel within a radius of fifty miles of Denver, Colorado.

That except as herein restricted and amended, said original Decision No. 16854 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 29th day of December, 1943

Original

(Decision No. 21764)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE EAGLE RIVER ELECTRIC COMPANY, EAGLE, COLORADO, FOR ORDER AUTHORIZING SALE BY THE EAGLE RIVER ELECTRIC COMPANY TO HOLY CROSS ELECTRIC ASSOCIATION, INC., STEAMBOAT SPRINGS, COLORADO, OF ALL ITS ASSETS, INCLUDING EXISTING AND OPERATING LINES FOR ELECTRIC SERVICE IN THE COUNTY OF EAGLE, STATE OF COLORADO.

APPLICATION NO. 2135-A

December 29, 1943

Appearances: Leon H. Snyder, Esq., 35 Independence Building, Colorado Springs, Colorado, for Eagle River Electric Company;
Louis Gorin, Esq., St. Louis, Missouri, and
Frank Delaney, Esq., Glenwood Springs, Colorado, for Holy Cross Electric Association, Inc.;
E. B. Evans, Esq., Denver, Colorado, for the Commission.

STATEMENT

By the Commission:

Applicant herein is a Colorado corporation presently engaged in the furnishing of electric service in part of Eagle County, including the incorporated town of Eagle. Service to said town is carried on under franchise rights granted by ordinance passed in September, 1933, and by a certificate of public convenience and necessity issued by this Commission in February, 1934, authorizing the exercise of said franchise rights.

The instant application seeks authority on behalf of applicant to transfer all its physical property in Eagle County and its contract with purchaser provides that the contemplated sale shall also include all contract, franchise and ordinance rights.

The proposed transferee is known as "Holy Cross Electric Association, Inc.," organized under the Colorado statutes pertaining to cooperative associations, and is presently engaged in furnishing electric service in Pitkin, Eagle and Garfield Counties, between Aspen and Carbondale in Pitkin and Garfield

Counties and between Minturn and Wolcott in Eagle County, and certain rural areas. It owns approximately 112 miles of transmission lines and is serving approximately 246 customers. It is being financed under contracts made with the Rural Electrification Administration. Its first allotment amounted to $119,000.00, with which it built its presently operated system. Additional money has been allotted for further expansion, which cannot be carried out at the present time due to shortage of materials, but the sum of $58,000.00 is available now to purchase said Eagle River property (which is the agreed purchase price), as well as an additional sum of $2,500.00 for incidental expense in connection with the sale, and a further $20,000 to rehabilitate the system when materials are available.

At the hearing, which was held in Denver, Colorado, on October 25, 1943, Articles of Incorporation, by-laws of transferee, and the various contracts entered into between the parties involved, were received as exhibits.

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

Counsel for the Commission directed its attention to the fact that the Articles of Incorporation and By-Laws of transferee provided that service could be rendered to members of the Association only, and that if the Commission permitted the transfer, it would require the public, which is now being served in the town of Eagle by a public utility, to become members of said Association in order to receive service, whether they desired to do so or not. The superintendent of transferee testified that it was the intention of transferee to serve all available customers in the town of Eagle whether they actually became members of the Association or not, and that no discrimination would be shown between members and non-members.

The Commission has recently had this same question before it in Applications Nos. 1271-A, et al., decided December 10, 1943, Decision No. 21708, "In the Matter of the Application of Highland Utilities Company, of Springfield, Colorado, for permission to transfer electric plant, transmission and distribution system in Montezuma County, Colorado". In said case, transferee was also a so-called "Cooperative" financed by the Rural Electrification

Administration, and organized under the cooperative statutes of Colorado. In that case, we permitted the transfer, but required transferee to amend its By-Laws to provide that service should be rendered to non-members as well as members of the Association. We see no reason why the same position should not be taken in the instant matter. Transferee will step into the shoes of a presently operating public utility serving the town of Eagle and its inhabitants under a franchise and a certificate issued by this Commission. If, as a matter of fact, transferee intends to serve non-members as well as members, it should amend its Articles of Incorporation to permit such service, and we believe the Commission should require this to be done for the protection of the consumers in the town of Eagle.

It appears that the transfer would be in the public interest. Transferee is well financed, and in all probability it can render a better service to its customers, and possibly at lower rates, than transferor, and as pointed out in the Highland Utilities matter, supra, transferor should be permitted to sell its property if such sale is in the public interest.

After careful consideration of the record, the Commission is of the opinion, and so finds, that, subject to the restrictions hereinafter contained, which in the opinion of the Commission the public interest requires, the authority sought herein should be granted.

O R D E R

IT IS ORDERED:

That the Eagle River Electric Company be, and it is hereby, authorized to transfer to Holy Cross Electric Association, Inc., all of its electrical property now located in Eagle County, State of Colorado, including any and all franchise rights under ordinance from the Town of Eagle, and also including certificates of public convenience and necessity heretofore issued by this Commission for the exercise of such franchise rights; provided, however, that the above authority is subject to the following restrictions:

1. Transferee, Holy Cross Electric Association, Inc., shall immediately, and not later than sixty (60) days from the date hereof, amend its Articles of Incorporation and its By-Laws to provide that service shall be rendered to non-members as well as members of the Association, and properly advise this Commission of such action.

2. In accepting the transfer herein authorized, transferee shall assume any and all franchise contract rights and obligations which now exist between the Town of Eagle and said Eagle River Electric Company, and shall furnish service within the corporate limits of said town without discrimination between members and non-members of its Association, and all franchise contracts and statutory rights of said Town of Eagle shall be fully retained by said town.

IT IS FURTHER ORDERED, That jurisdiction of the instant matter be, and the same is hereby, retained to the end that such further order or orders may be entered by this Commission as it may deem necessary.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. T. Thurman

Edward V. Charles

Karen Ellison

Commissioners

Dated at Denver, Colorado,
this 29th day of December, 1948.

hs

(Decision No. 21765)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CLAUDE E. BOYD)
Meeker,) PERMIT NO. C-5020
Colorado.)
)
)

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Claude E. Boyd of Meeker, Colorado, requesting that his Permit No. C-5020 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-5020, heretofore issued to Claude E. Boyd, Meeker, Colorado, be, and the same is hereby, declared cancelled effective December 6, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry O. Thomson

Edward E. Keeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 1943

(Decision No. 21766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
REUBEN SCHEIDEMAN)
Garden City)
Kansas.)
)

PERMIT NO. C-10410

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Reuben Scheideman of Garden City, Kansas, requesting that his Permit No. C-10410 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-10410, heretofore issued to Reuben Scheideman, Garden City, Kansas, be, and the same is hereby, declared cancelled effective December 12, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Edward E. Keeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 19 43

(Decision No. 21767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. W. BURNSIDES)
Meeker)
Colorado)
)

PERMIT NO. C-11826

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. W. Burnsides of Meeker, Colorado, requesting that his Permit No. C-11826 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-11826, heretofore issued to R. W. Burnsides, Meeker, Colorado, be, and the same is hereby, declared cancelled effective December 2, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomson

/s/ Edward E. Bruce

/s/ Malcolm Eggleston

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 1943

(Decision No. 21768)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
VERE WESTWOOD) PERMIT NO. C-12802
Moab, Utah)
)
)

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Vere Westwood of Moab, Utah, requesting that his Permit No. C-12802 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-12802, heretofore issued to Vere Westwood, Moab, Utah, be, and the same is hereby, declared cancelled effective December 3, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Thomas

Edward E. Bruce

Malcolm Ericsson

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 1943

(Decision No. 21769)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
NORTHWEST FEED CO.) PERMIT NO. C-13446
155 S Mission Ridge,)
Colby, Kansas)
)

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Northwest Feed Co. of 155 S Mission Ridge Colby Kansas, requesting that his Permit No. C-13446 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-13446, heretofore issued to Northwest Feed Co. 155 S Mission Ridge, Colby, Kansas, be, and the same is hereby, declared cancelled effective December 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomson

Edward E. Keller

Matthew Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 19 43

(Decision No. 21770)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SOUTHWEST FREIGHT LINES INC.) PERMIT NO. 719-I
2030 Washington St.)
Kansas City, Mo.)
)

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Southwestern Freight Lines Inc of 2030 Washington St. Kansas City Mo, requesting that his Permit No. 719-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. 719-I, heretofore issued to Southwestern Freight Lines Inc. 2030 Washington St. Kansas City Mo, be, and the same is hereby, declared cancelled effective December 9, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Palmer

Edward C. Creel

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 19 43.

(Decision No. 21771)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MESA COUNTY IMPLEMENT CO)
Grand Junction)
Colorado)
)

PERMIT NO. C-4275

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mesa County Implement Co. of Grand Junction, Colorado, requesting that his Permit No. C-4275 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-4275, heretofore issued to Mesa County Implement Co., Grand Junction, Colorado, be, and the same is hereby, declared cancelled effective December 3, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Edward E. Keedy

Malcom Ericksom

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 19 43.

(Decision No. 21772)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALAMOSA IMPLEMENT CO.)
Alamosa,)
Colorado.)
)

PERMIT NO. C-2029

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Alamosa Implement Co. of Alamosa, Colorado, requesting that his Permit No. C-2029 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-2029, heretofore issued to Alamosa Implement Co., Alamosa, Colorado, be, and the same is hereby, declared cancelled effective November 15, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

/s/ Fred E. Bueler

/s/ Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 1943

(Decision 21773)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
T. S. NAKAMURA)
Rt 2 Box 22, Littleton, Colo) APPLICATION NO. 4574-PP

December 30, 1943.

S T A T E M E N T

By the Commission:

On June 8, 1938, by Decision No. 11990, in Application No. 4574-PP, T. S. Nakamura of Littleton Colorado was granted authority to operate as a class "B" private carrier by motor vehicle for hire.

The Commission is now in receipt of a communication from said applicant requesting that said authority 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 ORDERED:

That the authority granted to T. S. Nakamura in Application No. 4574-PP by Decision No. 11990, be, and the same is hereby, declared cancelled effective December 18, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 30th day of December 1943.

(Decision 21774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HARRY MATHEWS)
804 W 18th) PRIVATE PERMIT NO. 1526
Pueblo, Colorado.)

December 30, 1943.

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 Permit No. 1526 be suspended for a period of six months from December 17, 1943.

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

O R D E R

IT IS ORDERED:

That Harry Mathews, Pueblo, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. 1526 for a period of not to exceed six months from December 17, 1943.

That unless said Harry Mathews shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado
this 30th day of December, 1943.

(Decision 21775)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOE TORTORICE & SONS)
Trinidad,)
Colorado.)

PRIVATE PERMIT NO. B-2711

December 30, 1943.

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 Permit No. B-2711 be suspended for a period of six months from December 28, 1943.

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 ORDERED:

That Joe Tortorice & Sons of Trinidad, Colorado, be, and they are hereby authorized to suspend their operations under Permit No. B-2711 for a period of not to exceed six months from December 28, 1943.

That unless said Joe Tortorice and Sons shall, prior to the expiration of said suspension period, make 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 30th day of December, 1943.

(Decision No. 21776)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE TORTORICE & SONS)
Trinidad,)
Colorado.)
)

PERMIT NO. C-13509

December 30, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Tortorice & Sons of Trinidad, Colorado, requesting that his Permit No. C-13509 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-13509, heretofore issued to Joe Tortorice & Sons, Trinidad, Colorado, be, and the same is hereby, declared cancelled effective December 28, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thoreau

Commissioners.

Dated at Denver, Colorado,

this 30th day of December, 19 r 43

(Decision 21777)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * * *

RE MOTOR VEHICLE OPERATIONS OF)
JUAN ARCHULETA)
1512 San Luis,)
Trinidad, Colorado.) PRIVATE PERMIT NO. B-2500
)

December 30, 1943.

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 Permit No. B-2500 be suspended for a period of six months from November 20, 1943.

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 ORDERED:

That Juan Archuleta of Trinidad, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2500 for a period of not to exceed six months from November 20, 1943.

That unless said Juan Archuleta shall, prior to the 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado
this 30th day of December 1943.

(Decision No. 21778)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
O. T. GILES)
Box 55)
)
Haybro Colo)

PERMIT NO. C-6821

December 31, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from O. T. Giles of Box 55, Haybro, Colo., requesting that his Permit No. C-6821 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-6821, heretofore issued to O. T. Giles, Box 55, Haybro, Colorado be, and the same is hereby, declared cancelled effective December 17, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Edward D. Conely

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 31st day of December, 19 43.

(Decision No. 21779)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ADAM STIEBEN)
111 Stuart St.) PERMIT NO. C-8324
Denver 4, Colorado)
)
)

December 31, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Adam Stieben of 111 Stuart St., Denver 4 Colo, requesting that his Permit No. C-8324 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-8324, heretofore issued to Adam Stieben, 111 Stuart St., Denver 4, Colorado, be, and the same is hereby, declared cancelled effective December 23, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 31st day of December, 19 43

(Decision No. 21780)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LEO KLINKER) PERMIT NO. C-11215
Box 46)
Gunnison Colo)
)

December 31, 1 43.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leo Klinker of Box 46, Gunnison Colo, requesting that his Permit No. C-11215 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-11215, heretofore issued to Leo Klinker, Box 46, Gunnison, Colo. be, and the same is hereby, declared cancelled effective December 23, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Edward E. Keller

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 31st day of December, 19 43

(Decision No. 21781)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. P. CULBERTSON)
Pagosa Springs,)
Colorado.)
)

PERMIT NO. C-11304

December 31, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. P. Culbertson, of Pagosa Springs, Colorado, requesting that his Permit No. C-11304 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-11304, heretofore issued to J. P. Culbertson, Pagosa Springs, Colorado, be, and the same is hereby, declared cancelled effective December 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 31st day of December, 1943

(Decision No. 21782)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LAZARUS GOODMAN) PERMIT NO. C-12022
3055 West 21st Ave)
Denver 11, Colorado)
)

December 31, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lazarus Goodman of 3055 West 21st Ave Denver 11 Colo, requesting that his Permit No. C-12022 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-12022, heretofore issued to Lazarus Goodman, 3055 West 21st Ave. Denver, 11, Colo., be, and the same is hereby, declared cancelled effective January 1, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 31st day of December, 1943

(Decision No. 21783)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RAMSEY ENIX COMPANY)
Greeley)
Colorado.)
)

PERMIT NO. C-14500

December 31, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ramsey Enix Company of Greeley, Colorado requesting that his Permit No. C-14500 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-14500, heretofore issued to Ramsey Enix Company, Greeley, Colorado, be, and the same is hereby, declared cancelled effective December 28, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Adams

Edward E. Bissell

Malcom Eric Mason

Commissioners.

Dated at Denver, Colorado,

this 31st day of December, 1943

(Decision No. 21784)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEORGE A CHERAMY)
Kiowa)
Colorado)
)

PERMIT NO. C-14774

December 31, 1943.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George A Cheramy of Kiowa, Colorado, requesting that his Permit No. C-14774 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-14774, heretofore issued to George A Cheramy, Kiowa, Colorado be, and the same is hereby, declared cancelled effective December 18, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Johnson

Edward J. Keeler

Malcom Ericksen

Commissioners.

Dated at Denver, Colorado,

this 31st day of December, 1943

(Decision No. 21785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PARKINSON TRANSFER AND TRANS-)
PORTATION COMPANY, DELTA,)
COLORADO.)

P U C NO. 934

January 3, 1944

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 Certificate No. 934 be suspended for an additional period of four months from December 1, 1943. Several suspensions have heretofore been granted in the above matter due to the fact that Mr. Parkinson has been employed as a safety engineer at Pando, Colorado, and has been unable to secure anyone to conduct his operations under said certificate. His present communication indicates that he will be prepared to resume operations about April 1, 1944.

Inasmuch as the Commission has had no complaints from shippers in the territory served by this concern that service was inadequate, and after careful consideration of the matter, the Commission is of the opinion, and so finds, that said suspension should be granted.

O R D E R

IT IS ORDERED:

That the Parkinson Transfer and Transportation Company be, and it is hereby, authorized to suspend operations under Certificate No. 934 for a period of four months from December 1, 1943.

That unless said Parkinson Transfer and Transportation Company shall, prior to the 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 certificate holders, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 3d day of January, 1944.

hs

(Decision No. 21786)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A CERTIFICATE OF PUBLIC CON-) APPLICATION NO. 6527
VENIENCE AND NECESSITY TO EXERCISE)
FRANCHISE RIGHTS IN THE TOWN OF)
DEL NORTE, RIO GRANDE COUNTY, STATE)
OF COLORADO.)

January 4, 1944.

Appearances: L. D. Bonham, Rate Engineer, Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by applicant of certain franchise rights granted by the Board of Trustees of the Town of Del Norte, Colorado.

On or about August 4, 1943, Ordinance No. 198 was passed by the Board of Trustees of the Town of Del Norte, and approved by its Mayor, granting to the applicant, its successors and assigns, a franchise,-

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

said franchise to be for a term of ten (10) years from and after its passage and approval.

At the hearing, which was held in Denver, Colorado, on December 23, 1943, it was developed that applicant is a corporation, duly organized and existing under the laws of the State of Colorado and doing business as a public utility; that the principal office and postoffice address of

applicant is in the City and County of Denver, Colorado; that generally it is authorized and empowered by the State of Colorado to engage in the business of generating, transmitting and distributing electric energy to various cities, towns and communities in divers counties of the State for heat, light, power, and other purposes; that a certified copy of its Articles of Incorporation is on file with this Commission; that there is no other utility engaged in furnishing electricity in the said Town of Del Norte or its vicinity.

It was further developed that applicant has heretofore served the Town of Del Norte under a franchise granted by ordinance, but had never received a certificate from this Commission authorizing such service.

It further appears that the investment made by applicant to take care of service to Del Norte is approximately $40,000.00, although this figure will not be binding upon the Commission in any subsequent hearing involving value for the purpose of rate adjustments.

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

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Town of Del Norte in Ordinance No. 198.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Towm of Del Norte, Colorado, in Ordinance No. 198, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into

compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

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 January, 1944.

BH

(Decision No. 21787)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH ELLSWORTH DENTON, DEL NORTE,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 6264-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

January 4, 1944

Appearances: Conour and Conour, Esqs., Del Norte, Colorado, for E. T. Walker, J. P. Wiederkehr; A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

In the above-styled matter, on November 5, 1943, the Commission entered its order, continuing hearing on petitioner's application for a Class "B" permit indefinitely during the continuance of the war in which the United States is now engaged, it appearing that said Denton is in military service.

We are now in receipt of a communication from his wife, requesting us to dismiss said application and return the deposit.

After 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 matter be, and the same hereby is, dismissed without prejudice.

That cash deposit of Joseph E. Denton on file with the Commission should be returned to applicant.

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 January, 1944.

hs

(Decision No. 21788)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE N. AND ALVIN L. MILLER, FORT)
COLLINS, COLORADO, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-) APPLICATION NO. 5593-A
VENIENCE AND NECESSITY NO. 1419 TO)
GEORGE N. AND CARL W. MILLER, 139)
PEARL STREET, FORT COLLINS, COLO.)

January 5, 1944

Appearances: George N., Alvin L. and Carl W. Miller, Fort Collins, Colorado, pro se.

S T A T E M E N T

By the Commission:

On May 26, 1941, by Decision No. 17199, George N. and Alvin L. Miller, of Fort Collins, Colorado, were granted a certificate of public convenience and necessity authorizing the transportation of milk to Fort Collins from a certain described area in the vicinity thereof.

The instant application, which was heard at Denver, Colorado, on December 28, 1943, seeks authority to transfer the interest of Alvin L. Miller in said certificate, which has been designated No. 1419, to Carl W. Miller. Both Alvin L. Miller and Carl W. Miller are sons of George N. Miller.

No protests were interposed to the granting of the authority sought, and it did not appear that any debts exist against the presently conducted operations under said certificate.

After 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 George N. and Alvin L. Miller be, and they are hereby, authorized to transfer all of their right, title and interest in and to certificate of public convenience and necessity, No. 1419, to George N. Miller and Carl W. Miller.

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 5th day of January, 1944.

hs

(Decision No. 21789)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A CERTIFICATE OF PUBLIC CONVEN-) APPLICATION NO. 829-B
IENCE AND NECESSITY TO EXERCISE)
ELECTRIC FRANCHISE RIGHTS IN THE)
TOWN OF MOFFAT, COUNTY OF SAGUACHE,)
COLORADO.)

January 4, 1944.

Appearances: L. D. Bonham, Rate Engineer, Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by applicant of certain franchise rights granted by the Board of Trustees of the Town of Moffat, Colorado.

On or about October 7, 1943, Ordinance No. 37 was passed by the Board of Trustees of the Town of Moffat, and approved by its Mayor, granting to the applicant, its successors and assigns, a franchise,-

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

for a term of twenty (20) years from and after its passage and approval.

At the hearing, which was held in Denver, Colorado, on December 23, 1943, it was developed that applicant is a corporation, duly organized and existing under the laws of the State of Colorado, and doing business as a public utility; that the principal office and postoffice address of applicant is in the City and County of Denver, Colorado; that generally it is authorized and empowered by the State of Colorado to engage in the business of generating,

transmitting and distributing electric energy to various cities, towns and communities in divers counties of the State for light, heat, power, and other purposes; that a certified copy of its Articles of Incorporation is on file with this Commission; that there is no other utility engaged in furnishing electricity in the said Town of Moffat or its vicinity.

It was further developed that applicant has heretofore served the Town of Moffat under a franchise granted by ordinance, which service was authorized by a certificate granted by this Commission.

It further appears that no additional investment is being made for the purpose of operating said new franchise rights.

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

After careful consideration of the record, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Town of Moffat, Colorado.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Town of Moffat, Colorado, in Ordinance No. 37, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein

granted, but subject to any further action or modification the Commission may order.

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 January, 1944.

BH

(Decision No. 21675)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

RE MOTOR VEHICLE OPERATIONS OF)
GOODBAR OIL COMPANY, P. O. BOX) PERMIT NO. C-2236
524, COLORADO SPRINGS, COLORADO.)

December 2, 1943.

S T A T E M E N T

By the Commission:

On November 16, 1943, by Decision No. 21606, the above permit was cancelled at the request of Goodbar Oil Company, the owner thereof. The Commission is now in receipt of a letter from the said Goodbar Oil Company, stating the request to cancel permit was an error and requesting reinstatement.

As proper insurance is on file covering this operation, the Commission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS ORDERED:

That Permit No. C-2236 be, and the same is hereby, reinstated, effective as of November 16, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1943.