(Decision No. 22665)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF GEORGE N. MILLER AND CARL W. MILLER, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER A PORTION OF PUC NO. 1419 TO R. T. WIGGINS, 1009 WEST MOUNTAIN, FORT COLLINS, COLORADO.	APPLICATION NO. 5593-AA

August 30, 1944

Appearances: George N. Miller, Fort Collins, Colorado, pro se;
R. T. Wiggins, Fort Collins, Colorado, pro se.

S T A T E M E N T

By the Commission:

George N. Miller and Carl W. Miller were authorized to operate as common carriers by motor vehicle for hire for the transportation of:

> milk, only, to Fort Collins from the area contained within the following-described boundaries: beginning at Fort Collins, Colorado; one mile north to the southwest corner of Section 1, Township 7-North, Range 69-West; then 3½ miles east on Section Line to the center of Section 4, Township 7-North, Range 69-West; then north one mile to the north line of Section 4, Township 7-North, Range 68-West; then east 3½ miles to the northwest corner of Section 6, Township 7-North, Range 67-West; then north one mile to the northwest corner of Section 31, Township 8-North, Range 67-West; then east one mile to the northeast corner of Section 31, Township 8-North, Range 67-West; then south two miles to the southwest corner of Section 5, Township 7-North, Range 67-West; then east four miles to the northeast corner of Section 11, Township 7-North, Range 67-West; then south eight miles to the southeast corner of Section 14, Township 6-North, Range 67-W; then west two miles to the southwest corner of Section 15, Township 6, Range 67; then south two miles to the southwest corner of Section 27, Township 6, Range 67; then west one mile to the southwest corner of Section 28, Township 6, Range 67; then north one mile to the northwest corner of Section 28, Township 6, Range 67; then west nine miles to the southwest corner of Section 24, Township 6, Range 69; then north over Highway No. 87 to Fort Collins.

They now seek authority to transfer to R. T. Wiggins all that part of said operating rights which authorizes the transportation to Fort Collins of milk from that part of their territory described as:

> Beginning at the northwest corner of Section 8, Township 7-North, Range 67-West; thence east four miles to the northeast corner of Section 11, Township 7-North, Range 67-West; thence south eight miles to the southeast corner of Section 14, Township 6-North, Range 67-West; thence west two miles to the southwest corner of Section 15, Township 6-North, Range 67-West; thence south two miles to the southeast corner of Section 28, Township 6-North, Range 67-West; thence west one mile to the southwest corner of said Section 28; thence north three miles to the northwest corner of Section 16, Township 6-North, Range 67-West; thence west one mile to the southwest corner of Section 8, Township 6-North, Range 67-West; thence north two miles to the northwest corner of Section 5, Township-6-North, Range 67-West; thence west one mile to the southwest corner of Section 31, Township 7-North, Range 67-West; thence north two miles to the northwest corner of Section 30, Township 7-North, Range 67-West; thence east one mile to the northwest corner of Section 29, Township 7-North, Range 67-West; thence north three miles to the point of beginning. Also the right to transport milk on both sides of the road along said boundary; also the right to transport milk from both sides of the road common to Section 19 and Section 20, Township 7-North, Range 67-West; all of said area being in Weld County, State of Colorado, except that collections may be made from that territory in Weld County lying adjacent to Sections 30 and 31, Township 7-North, Range 67-West.

The matter was heard at Denver, Colorado, on August 3, 1944.

It there appeared that the consideration for the transfer of said portion of PUC No. 1419 and one 1940 one and one-half-ton long wheelbase Chevrolet Truck is the sum of Two Thousand Dollars, ($2,000.00), of which the sum of One Thousand Dollars ($1,000.00) has been paid in cash, the balance of One Thousand Dollars ($1,000.00) to be paid upon approval of said transfer by the Commission.

It further appeared that there are no outstanding unpaid accounts against the operation; that transferee, pecuniarily and otherwise, is fit, able, and willing to carry on the operation, and will comply with our rules and regulations.

The matter was taken under advisement.

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 George N. Miller and Carl W. Miller, Fort Collins, Colorado, be, and they hereby are, authorized to transfer to R. T. Wiggins, Fort Collins, Colorado, all their right, title and interest in and to that portion of PUC No. 1419 described as:

> Beginning at the northwest corner of Section 8, Township 7-North, Range 67-West; thence east four miles to the northeast corner of Section 11, Township 7-North, Range 67-West; thence south eight miles to the southeast corner of Section 14, Township 6-North, Range 67-West; thence west two miles to the southwest corner of Section 15, Township 6-North, Range 67-West; thence south two miles to the southeast corner of Section 28, Township 6-North, Range 67-West; thence west one mile to the southwest corner of said Section 28; thence north three miles to the northwest corner of Section 16, Township 6-North, Range 67-West; thence west one mile to the southwest corner of Section 8, Township 6-North, Range 67-West; thence north two miles to the northwest corner of Section 5, Township 6-North, Range 67-West; thence west one mile to the southwest corner of Section 31, Township 7-North, Range 67-West; thence north two miles to the northwest corner of Section 30, Township 7-North, Range 67-West; thence east one mile to the northwest corner of Section 29, Township 7-North, Range 67-West; thence north three miles to the point of beginning. Also the right to transport milk on both sides of the road along said boundary; also the right to transport milk from both sides of the road common to Section 19 and Section 20, Township 7-North, Range 67-West; all of said area being in Weld County, State of Colorado, except that collections may be made from that territory in Weld County lying adjacent to Sections 30 and 31, Township 7-North, Range 67-West.

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.

That the number "PUC 1419" shall be retained by George N. Miller and Carl W. Miller, a new number to be assigned to the operation to be conducted by R. T. Wiggins.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of August, 1944.

R

Original

(Decision No. 22666)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
HIGHLAND UTILITIES COMPANY, FOR PER-)
MISSION TO TRANSFER ELECTRICAL PLANT,) APPLICATIONS NOS. 1127-A, 1355-A, 1354-A
TRANSMISSION AND DISTRIBUTION SYSTEM,) 1319-A, 1399-A, 1400-A
IN BACA AND KIOWA COUNTIES, COLORADO.) 1895-A, 1944-A,,1897-A
- - - - - - - - - - - - - - - - - - - -

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Sept. 1, 1944
- - - - - - -

Appearances: Lowell D. Hunt, Esq., Denver, Colorado, for applicant;
L. L. Bean, Esq., 562 Boatman's Bank Building, St. Louis, Missouri, and
Wilkie Ham, Esq., Lamar, Colorado, for Southeast Colorado Power Association;
Paul W. Lee, Esq., and Charles J. Kelly, Esq., Denver, Colorado, and
Arthur C. Gordon, Esq., Lamar, Colorado, for protestants.

S T A T E M E N T

By the Commission:

Highland Utilities Company, applicant herein, under certificates of public convenience and necessity issued by this Commission, operates and maintains generating plants for the production of electrical energy located in the Town of Eads, Kiowa County, Colorado, and Springfield, Baca County, Colorado, and lines for the transmission and distribution thereof in certain rural areas and municipalities, including, among others, Springfield, Eads, Walsh, Two Buttes, Vilas and Pritchett, in said counties. It also is the owner of a water system consisting of wells, pumping plants, mains, and other facilities for the distribution of water for domestic, manufacturing and other purposes in the Town of Eads, Colorado, and an ice plant in Springfield, Colorado. Besides its certificates of public convenience and necessity, it owns certain franchise rights granted by the municipalities it serves to it, or its predecessors in interest, to operate said electric and water service systems in said towns. The certificates and operating

rights are particularly described in Paragraphs numbered III and IV of the application filed herein, said application being one to sell all the applicant's electrical and utility properties in the counties of Kiowa and Baca which it owns, holds and uses for the purpose of serving the citizens of said counties with electrical energy, its water utility, and ice manufacturing plant, all of said property, including plants, transmission lines, distribution systems, certificates, franchises, real estate, etc., being particularly described in said Paragraphs III and IV of the application herein, to the Southeast Colorado Power Association, a non-profit, cooperative association incorporated under the provisions of Chapter 52, Session Laws of Colorado, 1913, which Association is financed and supervised by Rural Electrification Administration, organized by Act of Congress. The terms of sale and purchase are set forth in copies of written agreement between the parties, deed and bill of sale attached to the application as Exhibit "A", which by reference is made a part hereof.

Copies of said application, which was filed April 21, 1944, were duly served upon the Boards of County Commissioners of Kiowa and Baca Counties, and the Towns of Springfield, Pritchett, Two Buttes, Walsh and Eads. The matter, after several continuances, was heard in Denver on June 22, 1944, and taken under advisement.

On May 8, 1944, the Town of Eads filed protest in writing, objecting to the sale, but on June 15, 1944, withdrew the protest. On June 10, 1944, a written protest was filed by John W. Davis, J. E. Pottorff, F. D. Wilson and A. L. Preston, Darrell Perdue, Chris Jensen, of Lamar, for themselves and for others similarly situated, by their attorneys, William A. Bryans III, Charles J. Kelly and Arthur C. Gordon. Among other things, it was alleged that they are members of Southeast Colorado Power Association and consumers of electrical energy purchased from said Association, a cooperative; that by the terms of the statute under which it is incorporated, and by the provisions of its Articles, "it may only do business with its members or share-holders and cannot serve the public generally;" that the

proposed purchase aforesaid is illegal and contrary to provisions of "Rural Electrification Act of 1936" because funds to purchase are to be borrowed from Rural Electrification Administration, and the administrator cannot make loans to furnish energy to rural areas receiving central station service, which service is received by all towns and rural areas involved; that said Association, through its officers, but without authorization by its members, now serve, and propose to serve, non-members of the Association with electricity and propose to operate a water works system at Eads and an ice plant at Springfield, and to perform other ultra vires acts which threaten the financial security of the Association and property rights of the protestants as members of said Association; that said sale and purchase would not operate for the public convenience and necessity, would be in violation of Public Utilities Act of the State of Colorado, and contrary to "Rural Electrification Act of 1936". They asked that the Application be dismissed.

On June 22, 1944, when the matter was called for hearing in Denver, Mr. A. C. Gordon, counsel for protestants aforemamed, stated that he had just been informed by Mr. Hunt, attorney for Highland Utilities Company, that "he had a signed statement from all protestants that we represent that they had withdrawn their protest." He asked for time to investigate. Mr. Hunt agreed and a recess was taken. Following the recess, Mr. Gordon stated he had been able to contact only one of the protestants by telephone, who confirmed statement as to his withdrawal, but after some discussion, authorized him to continue to represent him; that after consultation, he and his associate counsel, Paul W. Lee and Charles J. Kelly, desired to withdraw protest and asked the Commission's permission to appear as friends of the Commission. Mr. Ham, Southeast Colorado Power Association's attorney, objected and read letters from protestants stating that they had been misinformed and did not favor the complaint. Mr. Gordon thereupon produced his original written authorities to appear for them at the hearing "to develop all the facts in this matter."

The Commission, on account of the absence of protestants and uncertainty as to their actions or desires, over objections of Messrs. Ham and Hunt, refused to dismiss protest or to allow the appearance of counsel as friends of the Commission. Mr. Hunt thereupon moved to strike the protest upon the ground that protestants are not proper parties; that they are not customers of Highland Utilities; that they are members, and not managing officers, of the Association; that if they have a just complaint against the action of their Board of Directors, their remedy, as members of the Association, lies in the courts, the Commission being without jurisdiction to settle the questions raised. The motion was overruled. Thereupon, Mr. Ham, on behalf of the Association, agreed that the Association's operations of all acquired lines, if application is granted, would be subject to Commission jurisdiction and "regulation as to rates and all other matters pertinent to regulatory and supervisory powers of the Commission the same as any public utility", and if required by the Commission, "we are perfectly willing to amend our charter and by-laws to that effect".

Mr. Gordon stated that it was protestants' position that the Commission, before granting the application, should be satisfied that "Southeast Colorado Power Association is such an organization as can legally own and operate a public utility and legally acquire the properties which Highland Utilities Company desires to sell to them"; that in the event the Commission should find that it is such an entity and entitled, under the law, to own and operate a public utility, it should determine whether it is so financially and otherwise situated as to be able to carry on the obligations of the utility which it is intending to acquire, and finally, whether it is entitled, under the law, to act in one instance as a public utility, and in another instance to act as a non-utility cooperative.

In reply, Mr. Hunt stated that he had no fault to find with counsel's position, except that he could not agree that it was the Commission's obligation "to determine whether this purchasing company is a public utility for all the purposes of this endeavor". The sole question involved is

"whether an already existing public utility, which for many years has been dedicated to public use, will under the reign of this contemplated purchaser, remain dedicated to the public use until leave is given by this Commission to abandon that service."

Then, Mr. E. G. Rash, Manager of Southeast Colorado Power Association, testifying for applicant, identified a number of exhibits, including the Association Articles of Incorporation and Amendments thereto, and its By-Laws, Contract of Sale and Purchase, heretofore described, Southeast Colorado Power Association - United States of America loan contract and amendments thereto, and mortgage note, made pursuant to said contract, to cover the loan made to purchase plant, and they were admitted in evidence. He stated that Association is engaged in distributing electrical energy at wholesale and retail to 1650 customers in Prowers, Bent, Otero, Pueblo and Crowley Counties; that its operations have been financed by the United States Government through REA; that purchase of properties was regularly authorized by its Board of Directors, but the question had not been submitted to or passed upon by the members of the Association; that terms, price, etc., upon which Southeast Colorado Power Association would purchase the property, were determined and settled by its directors, representatives of REA and the Association's engineer; that REA had approved contract and will advance $176,000.00 for the purchase of Highland properties under contract aforedescribed, which will add 1,000 customers, of whom 600 are in Springfield; that customers of Highland Utilities Company, with the exception of 16, most of whom were not "reachable", have signed applications for membership in the Association and indicated their desire to be served by it; that Association will continue to serve them and any persons in the territory who desire service, even though they do not become members, and will fulfill its obligations to serve under franchises and certificates it proposes to take over; that it proposes to build several hundred miles of rural lines in Baca and Kiowa Counties to serve "people in those counties that would

otherwise not get the electricity had not the Association purchased these utilities", the primary purpose in purchasing the central stations involved being "to get service out to those people"; that after purchase is consummated, all properties that can be, probably will be integrated and operated as a whole; that REA, in addition to said purchase price of $176,000.00, being $130,000.00 for Baca County properties, and $46,000.00 for Kiowa County properties, has made an allotment to the Association of $680,000.00 to cover cost of extensions, said rural extensions to be made on the usual terms, that is, a guarantee of use of energy amounting to $10.50 per month per mile of lines; that Association has checked the territory and believes that such extensions can be made with profit, although most of Baca and Kiowa Counties, outside of a few small towns like Campo not now served, is sparsely settled; that current indebtedness of Association is approximately $1,000,000.00, all owing to the REA; that present value of properties now owned, with addition of Highland properties less extensions contemplated, is approximately $1,500,000.00, cost of presently operated properties by Association being about $800,000.00; that reports covering past operations of the Association have not been made to the State Commission in the past, although reports have been made to the Tax Commission for the purposes of taxation.

At the request of Mr. Gordon, transferees and Rural Electrification Administration being willing, the Commission directed the Association to file a financial statement covering Association's operations, and engineering analysis of Highland Utilities Company. They were received and filed on July 5, 1944. The financial statement covered the twelve months' period ending May 31, 1944, but later Mr. Gordon submitted a critical analysis of them, which has been considered by the Commission. Total assets are shown at $906,342.94, divided into: Cash and Current Investments, $37,041.03; Current and other Assets, $119,342.41; Utility Plant (less $36,054.42 reserve for maintenance and depreciation), $726,804.76; and an item to balance, which does not seem to be an asset, of $23,154.71 covering

extraordinary property losses. Depreciation seems to be computed at two per cent of the utility plant in service. This may be low, although there has been a tendency lately to decrease annual amounts reserved for depreciation.

Total liabilities are figured at $ 872,002.63, divided into current liabilities, $ 39,783.88; other liabilities and credits, $2,422.24; long term obligations (including interest accrued and deferred of $11,738.68) of $829,730.51. Net worth, including surplus of $22,633.17, amounts to $34.340.31. The items of Extraordinary Property Losses, which apparently are being amortized, and Deferred Interest Payments, would wipe out surplus.

The engineering analysis of the physical value of the property admittedly is based on a field check and condition study of the property made on July 21 and 22, 1943. Total book value of Colorado property is shown at $391,670.00, estimated RCN at $291,888.00, and estimated RCNLD at $188,974.00. Estimated RCNLD of generating plants and distribution systems at Springfield and Eads plants are figured at $133,527.00; estimated RCNLD of water system and ice plant are respectively $18,247.00 and $7,200.00. Intangible values (going concern, etc.) are $16,051.00 for Springfield, and $975.00 for Eads or a total of $17,026.00. Rehabilitation expense for Springfield and Eads is estimated at $18,000.00. Legal, engineering, and incidental expense for same plants is figured at $3,500.00. Purchase price, rehabilitation expense, legal, engineering and incidental expense, will total $197,500.00. The purchase price is considerably less than "the net book value of Highland's properties, as adjusted to eliminate known write-ups, as of December 31, 1942", as fixed by the Securities and Exchange Commission and much less than the book value fixed by Highland Utilities Company books, as of July 28, 1943.

Protestants did not offer any testimony, but when applicant rested, Mr. Gordon moved to dismiss the application on the grounds that showing made by applicant was insufficient to justify granting of application; that it does not appear that the Association will conduct

this business as a public utility under the jurisdiction of the Commission and will assume the duty of serving the public; that as a cooperative, transferee has limited powers which do not include the powers necessary to carry on the business as a public utility; that proposed sale and transfer is illegal and contrary to the provisions of the Rural Electrification Act of 1936 for a number of reasons stated; and, that it does not appear that the transfer is in the public interest. Motion was taken under advisement.

The contention that purchase cannot be made by Association because it is contrary to provisions of Rural Electrification Act of 1936, and that loan cannot legally be made by Administrator to Association for purchase of the properties involved, are questions we cannot settle. The managing officers of the Association, after investigation and counsel with Rural Electrification Administration officials, authorized the purchase. The purchase was approved by the Administrator. It has been approved by the Securities and Exchange Commission. The allotments (loans) have been made. If the REA, its Administrator, or the Association erred, question should be submitted by dissatisfied members of the Association, if any there be, or other proper parties, to the courts for determination. Their remedy lies there. See Re Highland Utilities Co. - Empire Elec. Assn., Inc., Appl. 1271-A, Decision No. 21708, citing Re Mo. Electric Power Co. - Sho-Me Power Cooperative, 50 PUR, 257. The same course should be followed by members as to the question of service to non-members and the operation of water works system at Eads and ice plant at Springfield.

The record is sufficient to show that, financially, transferee is able and qualified to take over and operate the Highland Utilities properties. At least, there is no evidence to the contrary. It did not appear that the management of transferee is not competent and efficient, or that the service to be furnished Highland customers may be less satisfactory than the service now furnished by Highland. We know that several times during past years complaints have been made by customers

of Highland as to rates and service. It here appeared that at ends going concern value, etc., was figured at only $975.00. It is significant that no customers of Highland objected to transfer. No customers of Highland or members of the association appeared in person at the hearing to voice objections to sale and purchase. Apparently, customers of Highland welcome the change and believe that they will secure adequate and satisfactory service from the Association at proper rates.

Some extensions in rural areas are contemplated in the event transfer is allowed, which means that many farms now without essential electric service, and without hope of service from Highland, will be connected and receive electrical energy.

Generally speaking, a property owner should be allowed to sell, unless it would be detrimental to the public to so do (State, ex rel St. Louis v. P.S.C. (Mo.) 5 PUR (N.S.) 230), and it would seem that the proposed sale and purchase is in the public interest and that the sale should be allowed unless the other questions raised by Mr. Gordon before taking and at the conclusion of the testimony, require a different conclusion. In general, he suggested that it did not appear that the association is willing to assume the burden of serving the public, that is, serve as a utility; that it cannot legally, in one instance, act as a public utility, and, in another, act as a non-utility; that if it has the power to carry on this business as a public utility, it did not appear that it would submit to Commission jurisdiction.

We think the record shows that if it now lacks the power to operate a utility as a part of its business, or to operate as a utility, the association is willing to amend its charter and by-laws to meet objection made. We believe Mr. Ham made it clear that the Association is willing to do anything that may be necessary, under the law, to permit it to carry on the Highland operation as a utility, and in conducting said operation, will recognize and submit to Commission jurisdiction. We do not believe it is necessary at this time, and it probably is not within our jurisdiction in this proceeding (Natatorium Co. v. Erb (Ida.), 200 Pac. 209), to find that

the Association cannot operate as a cooperative and a utility at the same time, although there is some authority to the effect that by so doing it would become a utility as to all its operations. As a general rule, an owner or the person in control of property becomes a utility only when and to the extent that his business and property are devoted to a public use. We know that an individual or corporation may carry on a utility business, and at the same time carry on a private business. See Sunset Shingle Co. v. N. W. Elec. Water Works, (Wash.) 203 Pac. 978. A municipally owned light plant serving residents of a municipality, is a utility, but by statute its operations are not subject to our jurisdiction. Its operations outside the municipality, if it serves the public in the same manner that it serves within the city, make it a utility in that service, and such service is subject to our regulation. Apparently, in Missouri, a corporation may incorporate to serve members as a cooperative, and also to serve "the public generally" as a utility. The Highland operations now are not integrated. If transfer is allowed, the Association may continue to operate the Eads-Springfield and its presently operated system separately. If we herein had jurisdiction to find that in the event transfer is consummated, Association not only becomes a public utility as to acquired lines, but its entire operation becomes subject to our jurisdiction, and on account of such ruling, it would refuse to consummate the purchase, no useful purpose would be served. It would mean that it would continue to operate as a cooperative, unregulated by us, and that customers of Highland would continue to be served by Highland, and this, obviously, the customers do not desire. From the customer relations angle, the public interest undoubtealy would be served by allowance of transfer. The customers who now are served by a public utility, would continue to receive service under Commission regulation. The members of the Co-op would continue to receive service as members thereof - perhaps under Commission regulation, if it should later be determined that, on account of the Association's general method of operating, the law so requires. This proceeding and

our conclusions here will not preclude a court or the Commission from finding that transferee is not a cooperative in the conduct of any part of its business, but as to all thereof is a public utility and subject to Commission jurisdiction.

In Re Application of Western Colorado Power Company (Application No. 5640, Decision 18147), we considered and allowed application by Company, a utility, to sell and transfer part of its distribution lines to Delta-Montrose Rural Power Lines Association, a cooperative, organized under Colorado statutes and financed by REA, which was not then subject to our jurisdiction. The application was opposed by seven of the fifteen customers of Western Colorado Power Company immediately affected by the proposed Change, they being satisfied with and desirous of continuing service by Company under Commission regulation. The Association contemplated incorporating the segments purchased in its lines or system and extending service to other non-serviced rural areas. In passing on application, we said:

> "All associations in the State of Colorado operating under direction of REA, to date, have taken the position that they are non-profit cooperatives, and as such, are not subject to jurisdiction of The Public Utilities Commission. The Commission has been, and still is, of the opinion that question of our jurisdiction is one of law, and, at this time, we should not disapprove a contract by a public utility to sell a portion of its electric utility property to Delta-Montrose Rural Power Lines Association on the ground that it is not, or that it contends that it is not, subject to our jurisdiction. See Re Tenn. P.S.C., 5 P.U.R. (N.S.) 449.
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> "While approval of this Commission is necessary before a sale or merger of electric utility company properties and operating rights can be accomplished, the Commission may not lawfully interfere with the management and control of the utility beyond what is reasonably necessary to secure to the public adequate service at fair and reasonable rates. See Mo. Ex. Rel. S.W. Tel. Co. v. P.S.C. 262 U. S. 276, 289; 43 S. Ct. 544; P.U.R. 1923C, 193.
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> "The primary question here presented is not whether the proposed sale will be in the interest of the Western Colorado Power Company or the Association, but how will it affect service, accommodation and convenience of the public, as a whole, and, in this connection, if sale is made, will the users of electricity in the territory now served by applicant which is to be transferred continue

to get proper rates and service under association ownership and management, their interests, however, to be subordinate to the interests of the public generally. See Re Tenn. P.S.C., supra, and No. Penn. Power Co., et al v. P.U.C. (Penn.), 2 at. 866; 24 P.U.R. (N.S.) 443."

Heretofore, in a number of applications approving transfers of utility properties, including certificates of convenience and necessity and franchise rights, we have held that rural electric associations purchasing a franchise, granted under ordinance, and certificates of public convenience and necessity, are not in any different position than any other purchaser acquiring such authority. And, notwithstanding charter provisions are not determinative of the utility status of a Company, the real test being, not what the corporation is authorized to do, nor what its charter forbids it to do, but what it, in fact, does. (See Miss. Rural F. Corporation - F.P.C., 34 PUR (N.S.) 8; Re Hartford Electric Light Co., F.P.C., 37 P.U.R. (N.S.) 193.) In order to definitely settle question of their responsibility to serve, we required the associations to amend Articles of Incorporation to show that service to non-members as well as to members, is authorized.

See Re Highland Utilities Company - Empire Electric Association, Application No. 1271-A, Decision No. 21708; Eagle River Electric Company-Holy Cross Electric Association, Application No. 2185-A,,Decision No. 21764.

Here, the management of Highland Utilities Company, after careful consideration, desires to sell its properties and operating rights to Southeast Colorado Power Association, an REA cooperative with, so far as the record discloses, a satisfactory operating experience. The proposed transfer is believed by the contracting parties, acting through their duly authorized representatives, to be in their interest. The customers of Highland Utilities Company apparently welcome the change - at least, none of them objected. We believe that the customers of Highland Utilities C ompany will continue to receive from transferee adequate and reasonably efficient service at proper rates under the supervision of the Commission, and that benefits probably will accrue to many citizens of Baca and Kiowa Counties not now receiving electrical service by the inclusion of the territory where they reside

in the Association's system, and that the convenience and necessity of the public, generally, in the territories involved will be served by allowing the transfer.

We therefore find that motion to dismiss should be denied, and that public convenience and necessity require the proposed transfer and sale to Southeast Colorado Power Association by The Highland Utilities Company of its certificates of public convenience and necessity and other properties, as set forth in Paragraphs numbered III and IV in the application heretofore referred to and more particularly described in Contract of Sale and Purchase, of date November 15, 1943, being Exhibit No. 7 at the hearing, which by reference is made a part hereof, for the considerations therein expressed, subject, however, to the restrictions and conditions set forth in the order following, which in the opinion of the Commission the public interest requires.

O R D E R

IT IS ORDERED:

That motion to dismiss application be, and it hereby is, denied.

That the public convenience and necessity require the transfer and sale to Southeast Colorado Power Association, a cooperative association organized and existing under the laws of the State of Colorado, by The Highland Utilities Company, a Colorado corporation, of its certificates of public convenience and necessity, franchise rights, and other properties, as set forth in the Agreement of Sale and Purchase, of Date November 15, 1943, being Exhibit No. 7 at the hearing, which by reference is made a part hereof, for the considerations therein expressed, subject, however, to the following restrictions:

(1) Southeast Colorado Power Association shall immediately, and not more than sixty (60) days from 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) That upon completion and consummation of the transfer herein authorized, transferee shall take over and acquire all privileges and rights of Highland Utilities Company under its certificates of public convenience and necessity and franchises from the towns served by Highland Utilities Company, and shall assume and discharge all obligations thereby imposed upon said Highland Utilities Company under said certificates and franchises, and shall furnish service, including, without limiting the generality of the foregoing, the sale of electric energy and water, without discrimination between members and non-members of Association, and all franchise and statutory rights of the towns served under franchise shall be fully retained by said towns.

IT IS FURTHER ORDERED, That jurisdiction hereof be, and same is, retained to the end that such further order or orders deemed necessary may be entered by this Commission.

IT IS FURTHER ORDERED, That transferee 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, as to all said acquired property within thirty (30) days after the consummation of said transfer.

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 1st day of September, 1944.

BH

(Decision No. 22667)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JAMES YOHO, DOING BUSINESS AS "JIMMIE'S CAB," ROCKY FORD, COLORADO, TO EXTEND OPERATION OF TAXICAB SERVICE AT ROCKY FORD, COLORADO AND VICINITY.

APPLICATION NO. 6590-B

August 31, 1944

Appearances: Elizabeth L. Guyton, Esq., Rocky Ford, Colorado, for applicant;
Harry Allen, Esq., La Junta, Colorado, and
G. S. Cosand, Esq., La Junta, Colorado, for Victory Cab.

S T A T E M E N T

By the Commission:

On April 7, 1944, by Decision No. 22150, as amended by Decision No. 22205, James Yoho, doing business as "Jimmie's Cab," Rocky Ford, Colorado, was authorized to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of:

> passengers in cabs of not to exceed six-passenger capacity between points within the area extending ten miles north, south, and west of Rocky Ford, and five miles east thereof, and from and to points in said area, to and from Ordway and Manzanola, with the right to haul passengers in emergency cases, only, involving injuries, sickness or death, to La Junta from Rocky Ford, but without the right to serve the La Junta Air Base if it be within the radius heretofore described.

By application filed June 26, 1944, he, in effect, asks that his authority be extended by eliminating restriction on service from Rocky Ford to La Junta to "emergency cases, only, involving injuries, sickness or death," which restriction was placed in said order because proof of need for Rocky

Ford-La Junta taxicab service at original hearing was limited to such service, it also appearing that, except for movement of soldiers from and to La Junta, to and from Rocky Ford between 5:00 o'clock P.M. and 2:00 o'clock A.M., service between said points by Victory Cab, of La Junta, was limited to such cases.

The matter, pursuant to prior setting, after due notice to all concerned, was heard at Rocky Ford, Colorado, on August 16, 1944, Charles F. Briley, doing business as "Victory Cab," appearing in opposition, and was taken under advisement.

At the hearing, numerous residents of Rocky Ford, in person or by stipulation, representing varied interests, testified in support of the application. They were James Yoho, Sr., driver of applicant's cab, Nate W. Hellman, night man for El Capitan Hotel, James Moore, proprietor of City Drug, which also is location of Trailways Bus Depot, Dale Burnett, proprietor of Carl's Cafe, J. C. Brayden, owner of Rexall Drugstore, John Kieffer, Police Officer, Dr. D. Franklin Blatz, a physician and surgeon, D. D. Patton, Esq., a lawyer, Harry Mendenhall, a banker, Albert McGuire, and M. C. Krinwall.

Generally, it appeared that train and bus schedules between Rocky Ford and La Junta — eleven miles distant — are not arranged for local service; that residents of Rocky Ford and neighboring farms having business to transact in La Junta, their County Seat, cannot getthere and return the same day conveniently; that busses, when operated, are very crowded, and frequently passengers have difficulty getting bus transportation; that a stay in La Junta to return on Santa Fe train the following morning is expensive; that, moreover, said train usually is from three to five hours late; that many residents of Rocky Ford and vicinity do not have cars, or, if owners of automobiles, do not have gasoline to drive from Rocky Ford to La Junta and return; that some Rocky Ford residents employed by railroad at La Junta called during night for duty need taxi service; that, during night — especially after arrival of 3:00 o'clock A. M. train and late busses in Rocky Ford — alighting passengers (frequently including women and children)

are unable to obtain sleeping accommodations in Rocky Ford, and try to get transportation to La Junta; that visiting soldiers, too, find themselves in the same predicament; that, currently, practice is to call Victory Cab at La Junta by telephone, and attempt to arrange for Victory Cab Taxi to meet Jimmie's Cab at Swink, five miles from Rocky Ford; that Victory Cab requires guarantee by some responsible person that when taxi reaches Swink, passengers from Rocky Ford will be there; that it is difficult for some local people and most transients (who perhaps are stranded in Rocky Ford without a place to lay their weary heads) to satisfy said requirement; that when they reach Swink, they are compelled to wait from thirty minutes to two hours for Victory Taxi; that calls for service at local taxi stand, the hotels, and drug stores are frequent and regular, James Yeho, Sr., estimating that during present Emergency, from three to five trips daily, Rocky Ford to La Junta, would be required to meet the demand, if service were authorized.

Mr. Briley, in opposition, testified that he has eight cabs in service at La Junta; that O.D.T. limits service to Rocky Ford from La Junta — eleven miles apart — to hours between 5:00 o'clock P.M. and 2:00 o'clock A.M., except in cases of emergency; that he could furnish twenty-four-hour service in all cases if he had authority; that it is true he requires guarantee that passengers will be at place designated before responding to 'phone calls from Rocky Ford.

Generally speaking, our settled policy or rule, where evidence justifies such action, has been to authorize a local passenger (or freight) call and demand service in every community having sufficient population and demand to support the service. The record here made requires granting application, unless we take the position that civilian economy, as determined by O.D.T., requires contrary decision. It would seem to be advisable to let

O.D.T. pass on that question, and that cannot be done unless we authorize the service. After all, we cannot see any benefit accruing from present practice of Jimmie's Cab, taxi from Rocky Ford, moving passengers to Swink to meet Victory Cab taxi from La Junta. It does mean additional expense, some inconvenience, and often considerable delay for passengers, and perhaps a "water haul" and wasted gasoline and tire mileage for Victory Cab, if passengers are not there.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended motor vehicle common carrier service of applicant, and that certificate of public convenience and necessity, subject to conditions expressed in Order following, should issue.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the proposed extended motor vehicle common carrier service of applicant; that that part of Decision No. 22150, as amended, in words as follows: ",in emergency cases, only, involving injuries, sickness or death," in the seventh and eighth lines of the first paragraph of the order contained in said decision be, and the same hereby are, stricken from said decision; that this order shall constitute a certificate of public convenience and necessity to perform said service, said service, however, to be furnished with cabs of not to exceed capacity of five passengers and driver, at rates non-competitive with rates of line haul motor vehicle and rail carriers of passengers operating between Rocky Ford and La Junta, Colorado.

That 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.

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

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

That said Decision No. 22150, as amended by Decision No. 22205, in all other respects, shall remain in full force and effect.

That this order shall become effective 20 days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of August, 1944.

R

(Decision No. 22668)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF DALE JELLISON, DOING BUSINESS AS "JELLISON TRANSFER AND STORAGE COMPANY," WALSENBURG, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 351 TO FRED HAYDEN, DOING BUSINESS AS "HAYDEN TRANSFER & STORAGE CO.," WALSENBURG, COLORADO.	APPLICATION NO. 1307-A

August 31, 1944

Appearances: Dale Jellison, Walsenburg, Colorado, pro se;
Fred Hayden, Walsenburg, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter, pursuant to prior setting and notice to all interested parties, was heard in Trinidad, Colorado, on August 18, 1944, and taken under advisement.

At the hearing, it appeared that Dale Jellison, of Walsenburg, Colorado, doing business as "Jellison Transfer and Storage Company," who is authorized under PUC No. 351, granted in Decision No. 2175 (as amended by Decision No. 12852) to conduct:

> a transfer, moving, and general cartage business in the Counties of Huerfano and Las Animas in the State of Colorado, and for occasional service throughout the State of Colorado and in each of the counties thereof,

by motor vehicle, subject to terms and conditions expressed in said orders, seeks authority to transfer said certificate to Fred Hayden, doing business as "Hayden Transfer & Storage Co."; that the consideration for transfer of said operating rights, trucks, moving and transfer equipment, etc., is the sum of Twenty-Two Hundred Dollars ($2200.00); that, except for small current bills, all outstanding accounts have been paid; that said accounts

will be paid by transferor; that ton-mile tax deposit is to be transferred to credit of transferee; that transferee has the necessary experience and other qualifications to carry on the operation.

After careful consideration of the record, the Commission is of the opinion, and finds, that transferee is fit, willing, and able, and otherwise is qualified to carry on the operation; that the proposed transfer is in the public interest, and should be authorized.

O R D E R

IT IS ORDERED:

That Dale Jellison, doing business as "Jellison Transfer and Storage Company," Walsenburg, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 351 to Fred Hayden, doing business as "Hayden Transfer & Storage Co.," Walsenburg, Colorado.

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

That ton-mile tax deposit of transferor should be transferred to the account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of August, 1944.

R

original

(Decision No. 22669)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
MARVIN R. JACKSON, J. PERRY JACKSON,)
AND EDWARD E. DRAPELA, GRAND JUNC-) APPLICATION NO. 6424
TION, COLORADO, FOR A CERTIFICATE OF) SUPPLEMENTAL ORDER
PUBLIC CONVENIENCE AND NECESSITY.)

August 31, 1944

Appearances: Lincoln D. Coit, Esq., Grand Junction, Colorado, for applicants;
Don Robertson, Esq., Denver, Colorado, for Mountain States Aviation, Inc.;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
S. Arthur Henry, Esq., Denver, Colorado, for Ray Wilson, Inc.;
E. B. Evans, Esq., Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

Heretofore, and on July 20, 1944, by Decision No. 22508, certain operating rights were granted to applicants for transportation of passengers, mail, and express by air.

Thereafter, and on July 31, 1944, there was filed with the Commission by Mountain States Aviation, Inc., protestant, a Petition for Rehearing, alleging certain grounds.

Thereafter, and on August 8, 1944, there was filed with the Commission a Stipulation between applicants and Mountain States Aviation, Inc., in which it was stipulated that upon certain amendments in the Order, the Petition for Rehearing might be denied.

Pursuant to said stipulation, and in view of the Commission's own opinion in the matter, the Commission finds that the Petition for Rehearing above referred to should be denied, and that in order to clarify the prior

decision so that there may be no mistake that the authority granted is restricted to operations "within the State of Colorado," and to further identify the Federal Acts relating to air transportation in interstate commerce, the Order contained in Decision No. 22503 should be amended, as set forth in the Order following.

O R D E R

IT IS ORDERED:

That Petition for Rehearing filed by Mountain States Aviation, Inc., in the above-styled matter is hereby denied.

That the Order contained in Decision No. 22503 should be amended to read as follows:

"IT IS ORDERED:

"That present and future public convenience and necessity require, and will require, the for-hire airplane transportation by applicants of passengers, mail, and express, in interstate and intrastate commerce, within the State of Colorado, on schedule, and on call and demand, as follows:

"Route No. 1. Between Grand Junction, Colorado, and Albuquerque, New Mexico, and the intermediate intrastate points of Delta, Montrose, and Durango, Colorado.

"Route No. 2. Between Grand Junction, Colorado, and Salt Lake City, Utah.

"Route No. 3. Call and demand service only for passengers and express between Grand Junction and Craig, Colorado, and the intermediate points of Meeker, Glenwood Springs, and Rifle, Colorado.

"Route No. 4. Between Grand Junction, Colorado, and Pueblo, Colorado, and the intermediate points of Delta, Gunnison, Salida, and Canon City.

"Route No. 5. Between Grand Junction, Colorado, and Uravan, Colorado.

"Route No. 6. Between Grand Junction, Colorado, and the Grand Mesa National Forest, Colorado.

"This order shall be held to be a certificate of public convenience and necessity therefor, subject to the following conditions:

"That the exercise of the privileges granted by said certificate shall be subject to the rules, regulations, and requirements of this Commission, and such other or additional terms, conditions, and limitations as may, from time to time, be prescribed by it with or without formal hearing; that said applicants, at all times, shall

comply with all the provisions of the Aeronautics Act of Colorado, being Chapter 81, 1937 Session Laws and amendments thereto, and all Civil Air Regulations of the Federal Civil Aeronautics Board which now are, or hereafter shall be, in effect, relating to safety measures, and liability insurance, for common carriers of passengers or property by plane, provided that applicants may, if they consider any of the said Civil Air regulations as applied to their proposed operations to be unduly burdensome or unreasonable, apply to this Commission for exemption from such particular regulation, and upon the granting of said exemption, shall be relieved from compliance therewith. Jurisdiction is hereby retained of this application and operations under the certificate herein granted, to the end that such further order or orders may be entered herein if the Commission deems advisable.

"The authority herein granted to operate in interstate commerce is subject to the Federal Aeronautics Act of 1938, as amended, and rules and regulations promulgated thereunder.

"Applicants shall file their tariffs, rate schedules, and rules and regulations, as required by this Commission, within ninety (90) days from the date hereof.

"Applicants are hereby required to institute service on or before the 1st day of October, 1944.

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

That, except as herein amended, said Decision No. 22508 shall remain in full force and effect.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of August, 1944.

R

(Decision No. 22670)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GENE SOUTHERLAND, DOING BUSINESS AS)
"RED GLOW COAL AND TRANSFER COMPANY,") APPLICATION NO. 6691
OLATHE, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

September 2, 1944

Appearances: Bryant and Petrie, Esqs.,
Montrose, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

Applicant herein, doing business as "Red Glow Coal and Transfer Company," seeks a certificate of public convenience and necessity to operate as a motor vehicle carrier for the transportation of coal, water, livestock, furniture, farm products, and produce, and generally all articles of freight and express which the public may wish moved, between points within a radius of ten miles of Olathe, including transportation within the corporate limits of said town, with the exception that applicant does not desire, nor is he equipped, to move buildings.

The evidence disclosed that the Town of Olathe is located in a thickly settled, irrigated farm community, and there is a great demand for a service for transportation of the above enumerated items of property, and other property, to, from, and between the residents of the area.

Mr. Clarence Walker, Manager of the Independent Lumber Company, testified that there is no other motor vehicle carrier located in or near Olathe authorized to render this service, and there is a great demand for same. The testimony of Harry Roatcap, Lon Peterson, and Denver Cooper, corroborated Mr. Walker's testimony.

The application was not opposed.

It was further disclosed by the evidence that applicant is the owner of a one and one-half-ton Chevrolet 1936 truck, also a one-half-ton 1935 Terraplane pickup, and his net worth is approximately Two Thousand Dollars ($2,000.00).

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed motor vehicle common carrier operation, on call and demand, of applicant, and that certificate of public convenience and necessity, as hereinafter limited, should issue therefor.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require the proposed motor vehicle operations, on call and demand, of Gene Southerland, doing business under the firm name and style of "Red Glow Coal and Transfer Company," Olathe, Colorado, for the transportation of coal, water, livestock, furniture, farm products and produce, and generally all articles of freight and express which the public may wish moved, from point to point within a radius of ten miles of the Town of Olathe, including transportation within said town, with the exception that applicant is not authorized to move buildings, 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 20 days.

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 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 2nd day of September, 1944.

mw

(Decision No. 22671)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FLOYD MACK PUTNEY, P. O. BOX 232, OLATHE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6600-PP

September 2, 1944

Appearances: Floyd Mack Putney, Olathe, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant, a resident of Olathe, Colorado, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, coal, sand and gravel, from point to point within a radius of twenty-five miles of the Town of Olathe, Colorado.

Applicant was the only witness. He stated that he had many inquiries for said service, viz.; the hauling of farm products during the growing and harvest season, the transportation of coal from the wagon mines in said area during the Fall, Winter, and Spring seasons, and a demand for sand and gravel during the entire year; that there is no available service of this kind located at Olathe or in its immediate vicinity; that the Town of Olathe is located in the center of a thickly populated farming community, and there is a definite need for the service he offers.

It further developed from the testimony at the hearing that applicant is financially responsible; that he owns a 1937 Ford Truck of a rated capacity of one and one-half tons; that the service is needed in this area, and that no protest to the granting of this application was filed with the Commission.

The matter was then taken under advisement.

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

O R D E R

IT IS ORDERED:

That Floyd Mack Putney, Olathe, 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, coal, sand and gravel, from point to point within a radius of twenty-five miles of Olathe, 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 2nd day of September, 1944.

mw

(Decision No. 22672)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CHARLES C. SMITH, DOING BUSINESS AS SMITH'S TRUCK LINE, FOR AUTHORITY TO TRANSFER PERMIT B-2209 TO DENNIS D. SMITH, DOING BUSINESS AS SMITH TRUCK LINE, ELBERT, COLORADO, AND FOR AN EXTENSION OF PERMIT B-2209 (same commodities as now authorized) TO INCLUDE THE FOLLOWING ROUTE: BETWEEN POINTS WITHIN AN AREA EXTENDING 20 MILES SOUTH, 3 MILES EAST, AND 11 MILES WEST OF HIS HOME, NOW THE CENTRAL POINT OF PRESENT OPERATIONS, AND TO AND FROM SAID AREA FROM AND TO NOW AUTHORIZED POINTS.	APPLICATIONS NOS. 4621-PP-A 4621-PP-AB

September 5, 1944

Appearances: Dennis D. Smith, Elbert, Colorado, pro se and for Smith Truck Line.

S T A T E M E N T

By the Commission:

On July 16, 1938 (Decision No. 12143), Charles C. Smith was granted authority to operate as a Class "B" private carrier by motor vehicle for hire and Permit No. B-2209 issued to him. Said permit authorized:

> Transportation of milk and cream to Colorado Springs from Elbert, and from farmers residing within the area extending three miles south, eleven miles north, and eleven miles west of his home, the east boundary of said area being a line drawn north and south through his home, which is located about eleven miles southwest of Elbert, and the transportation of sacked feeds from Colorado Springs, and coal from mines in Elbert County to said milk customers.

On June 20, 1944, application was filed for transfer of said Permit No. B-2209 from Charles C. Smith, doing business as "Smith's Truck Line," to Dennis D. Smith, doing business as Smith Truck Line, and on same date application was filed by Dennis D. Smith, transferee, for an extension of said permit to include the transportation of same commodities as now authorized between points and over route or routes within an area extending 20 miles south,

3 miles east, 11 miles north, and 11 miles west of his home, which is located about 11 miles southwest of Elbert, including the transportation of sacked feeds from Colorado Springs, and coal from mines in Elbert County, to milk customers in said area.

At the hearing, which was held in Colorado Springs, Colorado, on August 4, 1944, the evidence disclosed that Charles C. Smith, transferor, is the father of Dennis D. Smith; that the father is now advanced in years and the son has carried on the business for several years under an arrangement with his father; that Dennis D. Smith, transferee, is the owner of all the equipment, having purchased it some years ago for $500.00. He now desires to clarify his situation.

It was further disclosed that no obligations are outstanding against the operations of transferor, and the financial standing and operating reliability of transferee were established to the satisfaction of the Commission.

It further developed that no other authorized carrier serves this territory, and no objections were interposed to the granting of the transfer or the extension of territory sought.

After careful consideration of the record, the Commission is of the opinion, and finds, that the transfer sought should be granted. The Commission further finds that the extension sought by Dennis D. Smith, transferee, should be authorized.

O R D E R

IT IS ORDERED:

That Charles C. Smith, doing business as Smith's Truck Line, should be, and he hereby is, authorized to transfer all of his right, title and interest in and to Permit No. B-2209 to Dennis D. Smith, doing business as Smith Truck Line, Elbert, Colorado.

That the ton-mile tax deposit of transferor shall be transferred and credited to the account of transferee herein.

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.

IT IS FURTHER ORDERED, That Dennis D. Smith, doing business as Smith Truck Line, Elbert, Colorado, should be, and hereby is, authorized to extend the territory served under Permit B-2209, carrying the same commodities as now authorized, to include operations between points and over route or routes within the area extending 20 miles south, three miles east, eleven miles north, and eleven miles west of his home, which is located about 11 miles southwest of Elbert, including transportation of sacked feeds from Colorado Springs and coal from mines in Elbert County, to milk customers in said described area.

This order is made part of the permit authorized to be transferred and extended, 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 September, 1944.

R

(Decision No. 22673)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
LAFE PORTERFIELD, TELLURIDE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 6690-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

Sept. 6, 1944.

Appearances: Lafe Porterfield, Telluride, Colorado, pro se;

S T A T E M E N T

By the Commission:

On June 14, 1944, Lafe Porterfield filed his application for authority to operate as a private carrier by motor vehicle for hire for the transportation of lumber from Nuckles sawmill to points within a radius of 75 miles of Telluride, Colorado.

At the hearing in Montrose, Colorado, on August 9, 1944, it developed that applicant is the owner of a 1938 Dodge 2-ton truck; that applicant is financially responsible and is familiar with the rules and regulations of the Commission; that this service is needed in this area, and that applicant desires to render said service.

The application was not opposed, and the matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That Lafe Porterfield, Telluride, 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 lumber from Nuckles Sawmill to points within a radius of seventy-five miles of Telluride, 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 6th day of September, 1944.

BH

(Decision No. 22674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF J. ANDREW ECKERT, CEDAREDGE, COLORADO, FOR AN EXTENSION OF CERTIFICATE NO. 260 TO RENDER CHARTER SERVICE BETWEEN DELTA AIRPORT AND GRAND MESA, AND ALL INTERMEDIATE POINTS, AND CHARTER SERVICE BETWEEN DELTA AND GRAND MESA AND INTERMEDIATE POINTS.

APPLICATION NO. 5000-B

Sept. 6, 1944.

Appearances: Fairlamb and Fairlamb, Esqs., Delta, Colorado, for applicant.

S T A T E M E N T

By the Commission:

Applicant, J. Andrew Eckert, Cedaredge, Colorado, seeks to amend and extend his certificate of public convenience and necessity No. 260, issued on the 20th day of May, 1939, Decision No. 13549.

Said decision authorized:

> "The transportation of psseengers and freight between Cedaredge and Grand Mesa Lakes, and intermediate points, via Highway No. 65, save and except that in the transportation of freight, applicant shall be limited to packages not exceeding fifty pounts in weight, except so-called 'perishable' goods."

Said decision restricted the authority granted to service between June 15 and September 15 of each year.

Applicant now proposes that his authority be extended to include charter service between Delta Airport (near Delta, Colorado) and Grand Mesa, and all intermediate points, and charter service between Delta and Grand Mesa and intermediate points, excluding service by and through the town of Austin and by way of Rogers Mesa.

It appears from the testimony of applicant that he plans to operate with a passenger car and will acquire same on the granting of his authority; that he is experienced and financially responsible; that recently Mountain

States Aviation, Inc., has established an air line serving Delta and adjacent territory, and it appears that fishermen and vacationists arrive at Delta and wish to visit Grand Mesa and its reational facilities; that at present there is no adequate service for these passengers and they are an will be materially delayed.

Mr. G. C. Cuthford, Mayor of Cedaredge, testified that service was needed and that there were several hundred people who had summer homes on Grand Mesa, who, in his judgment, would use, and need, this service; that the Epworth League has facilities for holding conferences during the summer months, and representatives from all over Colorado attend same; that their facilities are used by other religious organizations, and those coming to the Delta Airport by plane need some conveyance to their Club House on Grand Mesa.

Mrs. Adolph Montel, one of the lessors of the Delta Airport, also testified as to the need of this service.

The application was not opposed.

After a careful consideration of the record and the evidence given at the hearing, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended operations of applicant, and that certificate should issue therefor, as limited in order following.

O R D E R

IT IS ORDERED:

That J. Andred Eckert, Cedaredge, Colorado, should be, and he hereby is, authorized to extend his operations under Certificate No. 260 to include the right to render charter service for the transportation of passengers by motor vehicle for hire between Delta Airport and Grand Mesa, and all intermediate points, and similar charter service between Delta and Grand Mesa and intermediate points, via Highway No. 65, excluding service by and through the town of Austin and by way of Rogers Mesa, 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 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 twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1944.

BH

(Decision No. 22675)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF IVAN E. STEVENS, DOING BUSINESS AS STEVENS DELIVERY, 321 MAIN STREET, GRAND JUNCTION, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6694-PP

Sept. 8, 1944.

Appearances: John C. Bank, Esq., Grand Junction, Colorado, for applicant;
Cecil Haynie, Esq., Grand Junction, Colorado, for J. W. Milne Transportation and Storage Company and W. R. Hall Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of groceries, furniture, seed and feed, washing machines, hardware and household furnishings from point to point within a radius of 15 miles of Grand Junction, Colorado, without the right to make deliveries in Fruita and Palisade, Colorado, in competition with regular authorized common carriers.

At the hearing in Grand Junction, Colorado, on August 8, 1944, the operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

The evidence further disclosed that applicant has a one-half ton truck and has operated a city delivery service in the city of Grand Junction for the last six months.

Several witnesses were present at the hearing and testified in behalf of applicant.

Mr. Jack Evans, of the Evans Hardware, stated that he had been in

the hardware business in Grand Junction for several years; that due to war conditions, they had discontinued their delivery service; that it was now necessary to make deliveries by private car, and that he had not been able to obtain any satisfactory service. He further testified that he had not used the service of J. W. Milne or W. R. Hall; in fact, he was not aware that they furnished this type of service.

Mr. James F. Emerson, of Gamble Stores, Grand Junction, stated that they needed a delivery service in the territory adjacent to the City of Grand Junction, especially on Orchard Mesa; that they sell rugs, stoves, and washing machines, which are too large to handle by automobile. He further stated that his experience with Hall during the last eight months was unsatisfactory and Milne was too slow; that they had no delivery service of their own and has been attempting to render this service with private cars, and such service was especially needed within a radius of five miles of Grand Junction.

A Mr. Parks testified that he was in the feed and seed business, and for delivery to points immediately surrounding Grand Junction, especially on Orchard Mesa, he had two or three deliveries a week and he felt the proposed service was needed; that due to rush of business occasioned by the war and the discontinuance of delivery trucks by the stores, it was very difficult to get this service from the present operators.

Mr. Arthur Pierce, assistant manager of Montgomery Ward of Grand Junction, testified that they could and would use the service proposed by Mr. Stevens daily; that the best service they had been able to obtain took approximately three days and he attributed the cause to the unusual demand due to the war.

Mr. Philip Andrew Burnham, proprietor of the Maytag Appliance Shop, stated that he needed the service and that all competition was too busy to give immediate service, especially on small articles.

Protestants stated they were willing to render the service and at times had equipment available, but that they had been very busy and the

help situation was none too good.

It appears to the Commission from the evidence presented that the war has brought on an unusual situation. The retail stores have discontinued their own delivery system and the present facilities are now operating full time. There was some suggestion on the part of protestants that a service of this kind might materially affect their business in the Post War period.

The matter was taken under advisement.

After careful consideration of the record, and the evidence, the Commission is of the opinion, and finds, that limited authority should be granted as provided in the following order.

O R D E R

IT IS ORDERED:

That Ivan E. Stevens, doing business as "Stevens Delivery" 321 Main St., Grand Junction, 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 groceries, furniture, seed and feed, washing machines and hardware, from point to point within a radius of 15 miles of Grand Junction, without the right to make deliveries in the towns of Fruita and Palisade, Colorado, in competition with regular common carriers, said authority to be limited to the duration of the war and six months thereafter.

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 8th day of September, 1944.

BH

(Decision No. 22676)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF ORVILLE CASSIDY, NORWOOD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF WOOL FROM POINT TO POINT WITHIN A RADIUS OF TWENTY MILES OF NORWOOD, COLORADO, AND FROM SAID AREA TO MONTROSE, COLORADO, OVER HIGHWAY NO. 147.	APPLICATION NO. 6689-PP

Sept. 6, 1944.

S T A T E M E N T

By the Commission:

On April 12, 1944, Orville Cassidy, of Norwood, Colorado, filed his application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of wool, in grease, between points within a radius of twenty miles of Norwood, Colorado, and from points in said area to Montrose, Colorado, over Highway No. 147.

No one appeared in opposition to the granting of the authority sought at the hearing in Montrose, on August 9, 1944, and the applicant, notwithstanding he was duly and regularly served with notice of time and place of hearing, failed to appear.

Notwithstanding failure of anyone to appear, the matter was heard, the files were made a part of the record, and the matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that pecuniarily and otherwise, applicant is qualified to carry on the operation, and that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Orville Cassidy, of Norwood, 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 wool, in grease, between points within a radius of twenty miles of Norwood, Colorado, and from points within said radius to Montrose, Colorado, via Highway No. 147.

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 6th day of September, 1944.

BH

(Decision No. 22677)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF GEORGE E. DELL, MOTOR ROUTE NO. 3, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6687-PP

Sept. 6, 1944.

Appearances: George E. Dell, Motor Route 3,
Colorado Springs, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On June 26, 1944, George E. Dell filed his application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk, livestock and feed, from farms in the Black Forest area, over County roads and Colorado Highway No. 251, to Colorado Springs, Colorado.

At the hearing in Colorado Springs, Colorado, on August 4, 1944, applicant stated that he no longer desired a permit to haul livestock.

It developed from the testimony that a more particular description of the "Black Forest Area", or the territory applicant desires to serve, is as follows:

> Bounded on the east by an imaginary line running north and south through the town of Falcon; on the north by an imaginary line running east and west from Black Forest Store; on the west by an imaginary line running north and south three miles west of Colorado Highway No. 251, and on the south by an imaginary line running east and west ten miles south of Black Forest proper, in what is known as the Black Forest area.

It further developed at the hearing that applicant is financially responsible and has adequate equipment to carry on said operation; that the service is needed in this area and applicant desires to furnish this service,

that is, the transportation of milk from the farmers in the Black Forest Area to Colorado Springs over County roads and Colorado Highway No. 251, and feed from Colorado Springs to and from points in the area served.

The matter was taken under advisement.

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 George E. Dell, Motor Route 3, 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 milk from farms in the territory known as the "Black Forest Area" and more particularly described and bounded as follows:

> On the east by an imaginary line running north and south through the town of Falcon; on the north by an imaginary line running east and west from Black Forest Store; on the west by an imaginary line running north and south three miles west of Colorado Highway No. 251, and on the south by an imaginary line running east and west ten miles south of Black Forest proper;

to Colorado Springs over County roads and Colorado Highway No. 251, and the transportation of feed from Colorado Springs to farms in the above-described Black Forest 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

L. D. Thurman

Grace Smith

Ralph C. Horton
Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1944.

BH

(Decision No. 22678)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF C. H. SPIESS, HOTCHKISS, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF PASSENGERS BETWEEN HOTCHKISS AND HAWK'S NEST MINE, OVER COLORADO HIGHWAY NO. 135.	)	APPLICATION NO. 6692-PP

Sept. 6, 1944.

S T A T E M E N T

By the Commission:

On January 14, 1944, C. H. Spiess, Hotchkiss, Colorado, filed his application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of passengers from Hotchkiss to Hawk's Nest Mine, and return, over Colorado Highway No. 135.

At the hearing, which was held in Montrose, Colorado, on August 9, 1944, no one appeared in opposition to the granting of the authority sought, and applicant, notwithstanding the fact that he was duly and regularly served with notice of time and place of hearing, failed to appear.

Notwithstanding failure of applicant to appear at the hearing, the files were made a part of the record and the matter was heard and taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that applicant, pecuniarily and otherwise, is qualified to carry on the operation, and that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That C. H. Spiess, Hotchkiss, Colorado, be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of passengers from Hotchkiss, Colorado, to

Hawk's Nest Mine, and return, via Colorado Highway No. 135.

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 6th day of September, 1944.

Original

(Decision No. 22679)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE RULES AND)
REGULATIONS GOVERNING PRIVATE)
CARRIERS BY MOTOR VEHICLE.)

CASE NO. 4827

September 7, 1944.

FOURTH REVISED GENERAL ORDER NO. 42

S T A T E M E N T

By the Commission:

On June 21, 1944, this Commission issued its Fourth Revised General Order No. 42, bearing Decision Number 22409, wherein this Commission adopted and approved Rules and Regulations Governing Private Carriers for Hire by Motor Vehicle.

Therein, it was provided that:

> "IT IS FURTHER ORDERED, That the Rules and Regulations hereby adopted and approved shall be designated as 'Fourth Revised General Order No. 42,' and shall be and become effective July 15, 1944."

Subsequent to the issuance of said order of June 21, 1944, the said Rules and Regulations were sent to the printer. Due to the scarcity of help, it was impossible for the printer to print and deliver said Rules and Regulations to this Commission prior to August 26, 1944.

The Commission is of the opinion, and so finds, that in fairness to all parties, the effective date of said Decision No. 22409 should be October 2, 1944, and that said Decision No. 22409 should be amended, nunc pro tunc, to show the effective date thereof as October 2, 1944.

O R D E R

IT IS ORDERED:

That the second paragraph of the order part of Decision No. 22409

be amended, nunc pro tunc, to read as follows:

IT IS FURTHER ORDERED, That the Rules and Regulations hereby adopted and approved shall be and become effective October 2, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of September, 1944.

(Decision No. 22680)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF HOMER N. GERBAZ, 1760 NORTH EIGHTH STREET, GRAND JUNCTION, COLORADO, FOR AUTHORITY TO EXTEND PERMIT NO. B-2027 TO INCLUDE THE TRANSPORTATION OF LUMBER AND LOGS.

APPLICATION NO. 4258-PP-B

Sept. 8, 1944.

Appearances: Lincoln D. Coit, Esq., Grand Junction, Colorado, for applicant.

S T A T E M E N T

By the Commission:

Applicant herein, who heretofore was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> Road construction machinery and road contractors' supplies to and from points in the State of Colorado, for the C. A. Switzer Construction Company, only,

now seeks to extend his operation under said permit No. B-2027 to include the transportation of finished and unfinished lumber and logs from points within a five-mile radius of the McAtlin Sawmill on Pinon Mesa, located approximately 32 miles by road from Grand Junction, Colorado, to Grand Junction, over State Highway No. 340, and over unnumbered routes from Pinon Mesa.

At the hearing held in Grand Junction, Colorado, on August 8, 1944, it developed that applicant is the owner of a 1938 five-ton Coleman truck of an approximate value of $5,000.00, and the Commission is satisfied of his financial ability to carry on the operation.

Mr. Roy L. George, of Grand Junction, Colorado, road supervisor of Mesa County, Colorado, testified as to the need of this service and stated that applicant has heavy and dependable equipment and is well equipped for this proposed service; that Mesa County uses considerable heavy lumber in its road program, and he urged the granting of this authority.

Mr. D. L. McAtlin, Route 4, Grand Junction, Colorado, the owner and operator of the McAtlin Saw Mill, testified that he had difficulty in transporting the products of his mill, and there was an urgent demand for this service; that roads adjacent to the sawmill were none too good, and the equipment of applicant could satisfactorily handle the transportation of his lumber and logs.

There was no protest lodged with the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to extend his operations under Permit No. B-2027 to include the transportation of finished and unfinished lumber and logs from points within a five-mile radius of the McAtlin Saw Mill on Pinon Mesa, located about 32 miles by road from Grand Junction, to Grand Junction, over State Highway No. 340 and unnumbered routes from Pinon Mesa.

O R D E R

IT IS ORDERED:

That Homer N. Gerbaz, Grand Junction, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-2027 to include the transportation of finished and unfinished lumber and logs from points within a five-mile radius of the McAtlin Saw Mill on Pinon Mesa, located about 32 miles by road from Grand Junction, Colorado, to Grand Junction, over State Highway No. 340 and unnumbered routes from Pinon Mesa.

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 8th day of September, 1944.

BH

(Decision No. 22681)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF)
RALPH J. DUNN, R.F.D. NO. 4, GRAND)
JUNCTION, COLORADO, FOR A CLASS "B") APPLICATION NO. 6422-PP-B
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

Sept. 8, 1944.

Appearances: Lincoln D. Coit, Esq., Grand Junction, Colorado, for applicant;
Cecil Haynie, Esq., Grand Junction, Colorado, for G. W. Hawthorne.

S T A T E M E N T

By the Commission:

Applicant, Ralph J. Dunn, of Grand Junction, Colorado, seeks to amend and extend his private carrier authority, issued on the 1st day of September, 1943, by Decision No. 21324. Said decision authorized him to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> Ore between points within a radius of 40 miles of Gateway, Colorado, including the right to transport mining supplies from Gateway to those mines from which he is transporting ore.

Applicant now seeks to extend his authority to include the transportation of lumber over U. S. Highway No. 50, Colorado Highways Nos. 6 and 141, between Gateway and Grand Junction and 14 miles south of Gateway on Grazing Service Road, known as "John Brown Canon Road".

At the hearing in Grand Junction on August 8, 1944, it developed that applicant is the owner of one 1939 Chevrolet 1½-ton truck and one 1940 Ford 1½-ton truck, together with trailers, and his financial standing and operating reliability were established to the satisfaction of the Commission.

Applicant testified that he is familiar with the situation; that he has had numerous requests to haul lumber between points referred to in his

application, but had refused because he had no authority.

Lewis W. Burkey, of Burkey Lumber Company, Grand Junction, also testified that the service was badly needed; that he, especially, needed the service, and that applicant had equipment and would do the job.

After applicant amended his application by omitting service from Gateway to Grand Junction and substituting service from La Salle Saw Mill to Grand Junction, the protest of Hawthorne was formally withdrawn.

After careful consideration of the record and the evidence given at the hearing, the Commission is of the opinion, and finds, that the authority sought should be granted as hereinafter limited.

O R D E R

IT IS ORDERED:

That Ralph Dunn, Grand Junction, Colorado, should be, and he hereby is, authorized to extend his operations under the authority granted by Decision No. 21324, to include the transportation of lumber over U. S. Highway No. 50 and Colorado Highways Nos. 6 and 141 between La Salle Sawmill, located 14 miles south of Gateway, Colorado, on Grazing Service Survey Road, known as "John Brown Canon Road", and Grand Junction, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of September, 1944.

BH

(Decision No. 22682)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FORT COLLINS PRODUCING CORPORATION,)
3403 BRIGHTON BOULEVARD, DENVER,) APPLICATION NO. 6671
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

September 11, 1944

Appearances: Edward L. Wood, Esq., Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on July 29, 1944.

Applicant, Fort Collins Producing Corporation, is a Colorado corporation, engaging in the petroleum industry, including the transportation of oil. Its principal business is carried on in Wyoming and Colorado.

It seeks authority to transport, as a common carrier for hire, all petroleum products susceptible of such transportation through a pipe line now constructed approximately 12 1/2 miles in length running from what is known as the "Wellington Oil Field" operated by applicant in Larimer County, Colorado, situate in Townships 9 and 10-North, in Ranges 68 and 69-West of the 6th P. M., almost directly east to the Dover Station of the Rocky Mountain Pipe Line, near Nunn, Weld County, Colorado, and through an additional pipe line now constructed or being constructed approximately 2,000 feet in length running from what is known as "Clark's Lake Structure," operated by Amerada Petroleum Corporation, situate in Township 9-North, Range 68-West of the 6th P. M., Larimer County, Colorado, to the pipe line above described.

There were no objections to granting the authority sought.

E. G. Lemmers testified substantially as follows: That he is treasurer of applicant; that applicant is a Colorado corporation authorized to engage in all branches of the petroleum industry, including the construction and operation of pipe lines and transportation of oil; that its principal business is carried on in Wyoming and Colorado, with its address Con-Roy Building, Casper, Wyoming, and Denver office at 3403 Brighton Boulevard; that applicant has been producing oil in the Wellington and Fort Collins fields near Fort Collins, Colorado, since its incorporation in 1924; that on July 15, 1943, applicant completed construction of a 2-3/8 inch O. D. Pipe Line, 12½ miles in length, with a rated capacity with present pumping equipment of 1500 barrels daily, running from the Wellington Field east to the Dover Station of the Rocky Mountain Pipe Line, near Nunn, Weld County, Colorado; that this pipe line now serves only the Wellington Field, shipping oil only for applicant, and that this oil is being sold under contract to the Continental Oil Company, which is paying applicant fifteen cents per barrel to gather and transport such oil from the Wellington Field to the Dover Station; that adjacent to the pipe line is Clark's Lake Structure, upon which Amerada Petroleum Company has recently developed production; that Bay Petroleum Corporation is purchasing the oil from Amerada, and both corporations have requested permission to ship oil through applicant's line; that the proposed rate for service is fifteen cents per barrel, which price is acceptable to Bay; that an additional line of about 2,000 feet and new pumping unit for serving Clark's Lake Structure were expected to be in operation for transportation of oil by July 1, 1944; that the only proven fields immediately adjacent to the pipe line are the Wellington Field and the Clark's Lake Field, but that other wells are being drilled in the vicinity, and it is possible that other producing fields may be developed; that there is no other pipe line to render this service; that there is no railroad paralleling applicant's pipe line between the Wellington Field and Nunn; that the oil produced by Amerada was being shipped to Denver by truck, but that this

service was not satisfactory or reliable because of difficulty of acquiring and maintaining motor transport equipment.

The Commission finds that the present and future public convenience and necessity require, and will require the transportation by applicant, as a common carrier for hire, of petroleum products susceptible of such transportation through a pipe line now constructed approximately 12½ miles in length running from what is known as the "Wellington Oil Field" operated by applicant in Larimer County, Colorado, situate in Townships 9 and 10 North, in Ranges 68 and 69 West of the 6th P. M., almost directly east to the Dover Station of the Rocky Mountain Pipe Line, near Nunn, Weld County, Colorado, and through an additional pipe line now constructed or being constructed approximately 2,000 feet in length running from what is known as "Clark's Lake Structure," operated by Amerada Petroleum Corporation, situate in Township 9 North, Range 68 West of the 6th P. M., Larimer County, Colorado, to the pipe line above described, 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 of applicant as a common carrier for hire for the transportation of petroleum products susceptible of such transportation through a pipe line now constructed approximately 12½ miles in length running from what is known as "Wellington Oil Field" operated by applicant in Larimer County, Colorado, situate in Townships 9 and 10 North, in Ranges 68 and 69 West of the 6th P. M., almost directly east to the Dover Station of the Rocky Mountain Pipe Line, near Nunn, Weld County, Colorado, and through an additional pipe line now constructed or being constructed approximately 2,000 feet in length running from what is known as "Clark's Lake Structure," operated by Amerada Petroleum Corporation, situate in Township 9 North, Range 68 West of the 6th P. M., Larimer County, Colorado, to the pipe line above described, 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 its carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1944.

BH

(Decision No. 22683)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY E. SMITH, LEADVILLE, COLORADO, TO LEASE CERTIFICATE NO. 1586 TO AUDLEY THOMPSON, LEADVILLE, COLORADO, FOR A PERIOD ENDING DECEMBER 1, 1944.

APPLICATION NO. 6373-A-A

September 9, 1944

S T A T E M E N T

By the Commission:

On August 23, 1944, Harry E. Smith filed application with the Commission to lease his Certificate No. 1586 to Audley Thompson, Leadville, Colorado, upon the terms and for the consideration expressed in copy of lease attached to application.

The reason for the lease is the temporary ill health of the lessor, requiring a rest period of three months. Inasmuch as the lease is for a very short term, and it appears to the Commission that it will be in the interest of the public to continue the service under said certificate during the illness of the lessor, it would seem that no useful purpose would be served by setting the matter for hearing.

The Commission is of the opinion, and finds, that the lease should be approved.

O R D E R

IT IS ORDERED:

That Harry E. Smith be, and hereby is, authorized to lease Certificate No. 1586 to Audley Thompson, upon the terms, and for the consideration, expressed in copy of lease attached to application, reference to which is hereby made.

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 9th day of September, 1944

JH

(Decision No. 22684)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF NELLIE ADAMS, GENERAL DELIVERY, OGDEN, UTAH, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 1198 TO W. P. REES, 1832 - 14th STREET, BOULDER, COLORADO.	)	APPLICATIONS NOS. 255-AA-BABA 576-AA-BABA

Sept. 6, 1944.

Appearances: Wm. O. DeSouchet, Esq., Boulder, Colorado, for applicants;
E. B. Evans, Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On August 17, 1944, this Commission issued its Decision No. 22615, and ordered that the effective date of such order should be twenty days from August 17, 1944.

The Commission's attention has been called to the fact that, in preparing said order, a certain agreement entered into between the applicant and his attorney with the attorney for the Commission, was omitted from said order, and that the effective date of said order should be extended to October 15, 1944, in order to give the parties hereto an opportunity to correct said omission.

The Commission, therefore, finds that the effective date of Decision No. 22615 should be October 15, 1944, and that said Decision No. 22615 should be amended, nunc pro tunc, to show said effective date.

O R D E R

IT IS ORDERED:

That the effective date of Decision No. 22615 in the above entitled matter is October 15, 1944, and that said Decision No. 22615 be amended to show the effective date thereof as being October 15, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1944.

(Decision No. 22685)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RATES FOR THE TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS.) CASE NO. 1585

September 11, 1944

APPEARANCES: Marion F. Jones, Esq., Denham Bldg., Denver, Colorado;
D. G. Gilman, Continental Oil Co., Ponca City, Okla.;
J. A. Brusc, Continental Oil Co., Denver, Colo.;
C. W. Minton, Sinclair Refining Co., Kansas City, Mo.;
J. P. Dennis, Texas Co., 135 East 42nd St., New York, N. Y.;
Lt. Rueben Grimm, Judge Advocate General's Dept., Secretary of War, Washington, D. C.;
Sylvester C. Horn, Esq., 359 Cook St., Denver, Colo.;
H. J. Sisson, The Navy Gas & Supply Co., Denver, Colo.;
George Geck, Esq., C. B. & Q. R. R. Co., Chicago, Ill.;
E. G. Knowles, Esq., Union Pacific R.R. Co., Denver, Colo.;
Clyde Lynch, Union Pacific R. R. Co., 17th and Welton Sts., Denver, Colo.;
Geo. H. Kohn, Colorado & Southern Ry Co., C. A. Johnson Bldg., Denver, Colo.;
H. A. Carney, Esq., Office of Price Administration, Washington, D. C.;
M. P. Hester, 409 Sugar Bldg., Denver, Colo.;
F. M. Holloway, Skelly Oil and Gas Co., Kansas City, Missouri;
P. H. Kuhns, Continental Oil Co., Ponca City, Okla.;
T. S. Wood, W. Geo. Denny, and E. B. Evans, Esq., 318 State Office Bldg., Denver, Colo.

S T A T E M E N T

By the Commission:

On May 12, 1944, Decision No. 22316, in the above case the Commission entered its order prescribing rates and rules and regulations for the transportation of petroleum and petroleum products in tank trucks between points located in "Plains Territory."

In the above decision, the Commission prescribed the following rule, designated as "Rule 6."

"Rule 6 - Computing Rates

"The actual highway distance of the State Highway Department shall be used in determining the applicable rate subject to the terms and conditions set forth in Paragraph 6, page 5 of Rate Pamphlet dated March 15, 1943, designated as 'Revised Case 1585.'

"The following distances shall be used in the compilation of tariffs or in computing rates from or to Denver or the Denver refiners, Watkins, 23 miles, Barr Lake, 16 miles, Henderson, 9 miles, Junction of State Highways Nos. 128 (east of Broomfield) and 185, 14 miles, Broomfield, 20 miles, Golden, 17 miles, Littleton, 16 miles, Parker, 25 miles. The distance beyond these points as shown on the State Highway Department map shall be added to the above distances in computing rates."

On July 15, 1944, the Commission received a letter from Mr. J. A. Bruso, Traffic Representative, Continental Oil Company, stating, in part, as follows:

"Rule 6 of this decision describes the distance that will be used from the Denver refineries to key points north, east, south and west thereof. We have checked the average mileage by automobile from the Denver refineries to these key points and attach a statement showing this information. *** Will appreciate your rechecking the mileages which you have prescribed to key points from the Denver refineries and if you find such mileages are incorrect, issue a correction to Rule 6 in the decision and case first referred to above, advising us in due time."

The statement shows the following average distances to the key points:

Watkins	23.7
Barr Lake	12.5
Henderson	8.8
Junction Highway 128 and 185	12.8
Broomfield	18.4
Littleton	15.9.

Upon receipt of this letter the rate department rechecked the distances to the key points and found the following distances correct:

Watkins	24
Barr Lake	13
Henderson	9
Junction Highway 185 and 128	13
Broomfield	18
Golden	18
Littleton	16
Parker	25

On July 25, 1944, the rate department of the Commission submitted the corrected distances to Marion F. Jones, Esq., representing the liquid fuel common carriers requesting such observations as he wished to make in connection with same. A copy of our letter to Mr. Jones was submitted to Mr. J. A. Bruso, Mr. R. L. Ellis, and Mr. Ray Smith.

The Commission is now in receipt of a letter from Mr. Jones which, in substance, states that if the distances submitted are the correct average distances from the refineries to the basing points the carriers have no objection to the correction of the mileages.

The correction of the mileages will cause a change in the published rates from Denver, Colorado, as follows:

TO	Rate	Instead of:
Arvada	5	4 1/2
Barr Lake	5	5 1/2
Brush	10	11
Byers	7	6 3/4
Caddoa	24	25
Cope	14 1/2	14
Crook	16 1/2	17
Erie	6	6 1/4
Fleming	16	16 1/2
Ft. Morgan	9 1/4	9 1/2
Hasty	24	25
Hillrose	11	11 1/2
Holyoke	19 1/2	20 1/2
Hudson and Lafayette	5 3/4	6
Limon	11 1/2	11
Louisville	5 3/4	6
Lyons	7	7 1/2
Merino	12 1/2	13
Morrison	5 3/4	5 1/2
New Raymer	12	12 1/2
Otis	14	14 1/2
Ovid	19 1/2	20 1/2
Padroni	15	15 1/2
Paoli	18 1/2	19 1/2
Peetz	16 1/2	17
Platner	13 1/2	14
Roberts Spur	9 1/4	9 1/2
Sedgwick	18 1/2	19 1/2
Seibert	16	15 1/2
Sheridan Lake	23	22 1/2
Snyder	11	11 1/2
Sterling	14	14 1/2
Weldona	9 1/4	9 1/2
Wiggins	8	8 1/4
Wild Horse	16 1/2	16
Willard	14 1/2	15
Windsor	8	8 1/4
Wray	18 1/2	19 1/2
Yuma	15 1/2	16.

There would be eight (8) increases and 32 reductions.

Findings

The Commission finds that Case No. 1585 should be reopened for the purpose of correcting the mileages to the basis hereinbefore set forth.

O R D E R

IT IS ORDERED, That Case No. 1585 be, and the same is hereby, reopened for the purpose of entering an amended order correcting the average distance in miles from the refineries to the base points; that Rule 6 of Appendix R-1, Decision No. 22316 be, and the same is hereby, amended by changing the following distances, viz.:

	Rate	Instead of
Watkins	24	23
Barr Lake	13	16
Junction of State Highways Nos. 128 (East of Broomfield) and 185	13	14
Broomfield	18	20
Golden	18	17

THAT, this order shall become effective on the 25th day of September, 1944; that rates computed on the above bases shall be published by all motor vehicle common carriers and private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected, to become effective on the 1st day of October, 1944, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913 and Section 10, Chapter 120, Session Laws of 1931, as amended; that on and after October 1, 1944, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than those produced on the bases of the distances herein prescribed; that all 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 those produced on the bases of the distances 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

Commissioners

Dated at Denver, Colorado,
this 11th day of September, 1944

(Decision No. 22686)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

RE MOTOR VEHICLE OPERATIONS OF)
MRS. ANNA WEST, NIWOT, COLORADO.) P.U.C. NO. 438

- - - - - - - - -

Sept. 13, 1944.

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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Murray Ownbey, acting as agent for Mrs. Anna Niwot, requesting authority to suspend operations under the certificate issued to Mrs. West (PUC No. 438) for a period of six months from August 23, 1944.

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 Mrs. Anna West, Niwot, Colorado, be, and hereby is, authorized to suspend her operations under PUC No. 438 for a period of not to exceed six months from August 23, 1944.

That unless Mrs. Anna West, Niwot, Colorado, 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 common carrier certificates, said certificate, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of September, 1944.

BH

(Decision No. 22687)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM PINNACLE, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO)

MISCELLANEOUS DOCKET NO. 194

September 16, 1944

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated September 6, 1944, requesting authority to transport one carload of coal from Pinnacle, Colorado, free of charge, on account of charity.

The shipment in question has been donated by a shipper on the line of The Denver and Salt Lake Railway Company, for use of various agencies of the Denver Community Chest, a charitable institution, and the Denver Community Chest Office Building, and is to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Pinnacle, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the Barnett Fuel and Oil Company, Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of September, 1944

JH

FORM 1001

22687
M 40.194

THE DENVER AND SALT LAKE RAILWAY CO.

b

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO 2

F. J. TONER
TRAFFIC MANAGER

September 6, 1944
File 35-2

The Public Utilities Commission of the
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One carload of coal has been donated by one of the operators on our line to the Denver Community Chest for use of various Chest Agencies and the Denver Community Chest Office Building. This car will be consigned to the Denver Community Chest in care of the Barnett Fuel & Oil Company.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mine at Pinnacle, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

A.

F. J. Toner

(Decision No. 22688)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION AND SUSPENSION OF TARIFFS OF THE TRENTMAN-MILNER COMPANY, DOING BUSINESS AS THE BEL-ADAMS WATER SYSTEM,	))))	INVESTIGATION AND SUSPENSION DOCKET NO. 256.

September 21, 1944

S T A T E M E N T

By the Commission:

Heretofore, on May 26, 1944, this Commission issued its Decision No. 22336 in the above-entitled proceeding, whereby certain tariffs filed by the Trentman-Milner Company, doing business as the Bel-Adams Water System, on April 20, 1944, and effective May 27, 1944, were suspended for 120 days from May 27, 1944, or until September 24, 1944, unless otherwise ordered by this Commission.

It now appears that the investigation to be made by this Commission's employees can not be completed within 120 days; that a hearing upon the complaints filed in the above-entitled proceeding can not be held within said 120 days; and that request has been made of this Commission that the effective date of said tariffs be further extended for an additional period of 120 days from said September 24, 1944.

The Commission finds that said tariffs should be suspended for said additional period.

O R D E R

IT IS ORDERED:

That the effective date for the aforesaid tariffs so filed by the Trentman-Milner Company, doing business as the Bel-Adams Water System, be suspended for an additional 120 days from September 24, 1944, or until January 22, 1945, unless otherwise ordered by this Commission.

That the proposed tariffs be made a subject of investigation and determination by the Commission within said period of suspension, or such further time as the same may be lawfully suspended.

That a copy of this order shall be filed with the proposed tariffs of the Trentman-Milner Company, doing business as the Bel-Adams Water System and copies hereof be forthwith served on DeStelle DeLappe, 1746 Stout Street, Denver, Colorado, attorney for complainants; Ina B. Lindsey, 3855 Meade Street, Denver, Colorado, trustee or agent for complainants or protestants; H. C. Rose, 3800 Alameda Parkway, Denver, Colorado; W. E. Mead, 710 South Lowell Boulevard, Denver, Colorado; Wm. Jenkins, 3909 West Nevada, Denver, Colorado; and Julia A. Agnew, 379 South Osceola Street, Denver, Colorado, protestants; and also on A. Milner, owner and manager of Bel-Adams Water System, 1735 Stout Street, Denver, Colorado, and P. S. Morris, State Price Attorney, O. P. A., Kittredge Building, Denver, Colorado.

Dated at Denver, Colorado,
this 21st day of September,
1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 22689)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION AND SUSPENSION OF TARIFFS OF THE TRENTMAN-MILNER COMPANY, DOING BUSINESS AS NORTH FEDERAL WATER SYSTEM.	))))	INVESTIGATION AND SUSPENSION DOCKET NO. 257.

September 21, 1944

S T A T E M E N T

By the Commission:

Heretofore, on May 26, 1944, this Commission issued its Decision No. 22337 in the above entitled proceeding, whereby certain tariffs filed by the Trentman-Milner Company, doing business as North Federal Water System, on April 20, 1944, and effective May 27, 1944, were suspended for 120 days from May 27, 1944, or until September 24, 1944, unless otherwise ordered by this Commission.

It now appears that the investigation to be made by this Commission's employees can not be completed within 120 days; that a hearing upon the complaints filed in the above entitled proceeding can not be held within said 120 days; and that request has been made of this Commission that the effective date of said tariffs be further extended for an additional period of 120 days from said September 24, 1944.

The Commission finds that said tariffs should be suspended for said additional period.

O R D E R

IT IS ORDERED:

That the effective date for the aforesaid tariffs so filed by the Trentman-Milner Company, doing business as North Federal Water System, be suspended for an additional 120 days from September 24, 1944, or until January 22, 1945, unless otherwise ordered by this Commission.

That the proposed tariffs be made a subject of investigation and determination by the Commission within said period of suspension, or such further time as the same may be lawfully suspended.

That a copy of this order be filed with the proposed tariffs of the Trentman-Milner Company, doing business as North Federal Water System, and that copies hereof be forthwith served on A. Milner, owner and manager of the North Federal Water System, 1735 Stout Street, Denver, Colorado; John H. Gabriel and Clifford W. Mills, attorneys for complainants, C. A. Johnson Building, Denver, Colorado; and Elgie E. Fenimore, 6604 North Federal Boulevard, Denver, Colorado, for protestants; also P. S. Morris, State Price Attorney, O. P. A., Kittredge Building, Denver, Colorado.

DATED at Denver, Colorado, this 21st day of September, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

(Decision No. 22690)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: PETITION FOR INCREASE IN TRUCK RATES ON LIVESTOCK BETWEEN POINTS IN THE SAN LUIS VALLEY AND BETWEEN POINTS IN SAID VALLEY AND OTHER POINTS IN THE STATE OF COLORADO.) CASE NO. 1585

September 20, 1944

Appearances: Conour and Conour, Del Norte, Colorado, for applicants;
Percy S. Morris, Esq., Denver, Colorado, for Office of Price Administration;
T. S. Wood, Denver, Colorado, for Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

On June 1, 1944, James L. Ashton, Fred Gibson, J. D. Haynie, Lute Vance, E. T. Walker, and Hobert C. Applegate, by their attorneys, Conour and Conour, filed with the Commission a petition requesting authority to make the following increases in the rates for the movement of livestock, viz.:

Between	Denver, Colo.				Pueblo, Colo.			
	Present		Proposed		Present		Proposed	
And	Other Than		Other Than		Other Than		Other Than	
Colo.	Sheep	Sheep	Sheep	Sheep	Sheep	Sheep	Sheep	Sheep
Ft.Garland	41½	44	46½	49	28½	31	33½	36
Alamosa	43½	46	48½	51	31	33½	36	38½
San Luis	42½	45	47½	50	29½	32	34½	37
Mesita	44	46½	49	51½	32	34½	37	39½
La Jara	45	47½	50	52½	34	36½	39	41½
Monte Vista	45½	48	50½	53	34	36½	39	41½
Antonito	46½	49	51½	54	35½	38	40½	43
Del Norte	46½	49	51½	54	35½	38	40½	43
Center	46½	49	51½	54	35½	38	40½	43
Saguache	46	48½	51	53½	34½	37	39½	42
Hooper	45½	48	50½	53	34	36½	39	41½
Moffat	46	48½	51	53½	34½	37	39½	42
South Fork	50	52½	55	57½	38	40½	43	45½
Creede	55	60	60	65	41	43½	46	48½
Upper Crossing (West of Saguache)	48	50	53	55	36½	39	41½	44
Capulin	45	47½	52	54½	34	36½	41	43½
Mogote	46½	49	53½	56	35½	38	42½	45

The above rates also apply from and to points within a ten (10) mile radius of the named point.

For local application between points in the following described territory:

All those portions of the counties of Alamosa, Conejos, Costilla, Mineral, Hinsdale, Rio Grande and Saguache bounded on the west by the Continental Divide, and on the east by the Sangre de Cristo Range; also between points in said territory on the one hand and Salida, Colo., on the other hand, the following rates shall apply:

Rates in Cents per Loaded Mile Traveled

	Present		Proposed	
	20 miles and Under	Over 20 Miles	20 miles and Under	Over 20 Miles
Stock racks under 20 feet in length	25	20	30	25
Stock racks 20 feet in length and not exceeding 28 feet in length	30	25	35	30
Stock racks over 28 feet in length	35	30	40	35

Subject to the following terms and conditions:

Minimum Charge:	Per trip Present	Per trip Proposed
Stock racks 20 feet and under in length	$4.00	$5.00
Stock racks over 20 feet in length	$5.00	$6.00

Rule 10 - (Present) (Applicable only in connection with movements from and to points in the San Luis Valley).

In the event any single shipper does not have sufficient tonnage to enable him to take advantage of the truck-load rates, shipments may be combined in making up the required minimum weight on the following basis:

Compute the distance from the farthest point of origin to the destination of the shipment at the applicable rate plus fifty (50) cents for each pick-up involved in making up the minimum weight.

The same basis shall be used in distribution to more than one consignee or from more than one consignor at markets or sale lots.

In no case shall the aggregate charges on a combined load be more than if part of the load is computed on the less-truckload rate without the pick-up charge and the balance of the load at the truckload rate plus the pickup charge.
(Subject to Rule 11; also the basis for less-than-truckload rates provided for in Exception No. 1).

Rule 11 provides for mixed shipments of different species of livestock and the less-than-truckload rates in Exception No. 1 are five (5) cents higher than the truckload rates.

The minimum weight on shipments of livestock from and to Denver and Pueblo is 8,000 pounds, and the rates are not subject to the general increases authorized under Decision No. 18561.

Rule 10 (Proposed) The same terms and conditions, except the

pick-up charge will be $1.00 instead of 50 cents.

The present distance scales of rates on livestock were increased six (6) per cent on all minimum weights except 12,000 pounds, upon which there was a three (3) per cent increase.

The proposed basis is seven (7) per cent in lieu of the six (6) with no change in the three (3) per cent.

The following new rule is also proposed. No such rule or charge is now in effect.

> "Proper facilities for loading and unloading shall be furnished by the shipper or owner of the livestock, and in the event the shipper or consignee does not have a suitable chute and other proper facilities, a chute will be furnished by the carrier at the following additional charges: $1.00 for use of portable chute;
> $3.00 per hour or fraction thereof for labor of one man and waiting time of truck, while setting up chute and arranging corral, time to be computed from time of arrival of equipment at loading or unloading point until stock is ready for loading or unloading."

These matters were assigned for hearing, and were heard at Alamosa, Colorado, on June 30, 1944.

Mr. James E. Ashton, testifying in support of the petition, stated that he is now operating 14 pieces of equipment; that the said equipment has from 200,000 to 600,000 miles of travel on it; that he maintains his own repair shop and employs a full time mechanic to keep the equipment in as good a condition as possible; that in 1943 he had debts accrue in the amount of $4288.91, which were deferred until 1944; that in the first part of 1944 he borrowed $5,000.00 to take care of these and other obligations; that the cost of tires is about the same as in 1941 or 1942, but the quality is only about 50 per cent as good; that labor costs are about double what they were in 1942; that there was an increase of one cent per gallon in the price of gasoline in the last 60 days; that the largest volume of traffic occurs in the last half of the year; that in 1944 he has been taking out of the receipts of the business about $150.00 per month as a salary; that the largest percentage of his business goes to Denver; that his operating costs are about fifteen (15) cents per running mile; that the highway conditions for local transportation are more severe than for movements to the Denver market; that about 70 per cent of all livestock truckload shipments consists of consolidated shipments from different origins made up of lots from five (5) or six (6) different shippers; that the back-haul traffic represents about ten (10) per cent of the total traffic; that it requires between ten (10) and twelve (12) hours' time in transit from the San Luis Valley to Denver and between eight (8) and nine (9) hours for the return trip; that the average weight of shipments to Denver is eight (8) tons on sheep, ten (10) tons on cattle, and eleven (11) or twelve (12) tons on hogs; that it requires from two (2) to three (3) hours' additional time to set up chutes and construct corrals where there are no such facilities; that sheep are rather easy to load, but cattle and hogs are more difficult and require more time and more substantial chutes and corrals; that a loading chute can be built for about five ($5.00) dollars; that it may last a few trips or it may last for six (6)

months; that he would prefer shippers having their own facilities rather than having demands made for him to furnish such facilities.

Mr. Charles Vance, testifying in support of the petition, stated that he operates a filling station and sells coal in addition to his common carrier business; that his experience was that his long haul traffic (such as to Denver) is harder on trucks and tires than his short haul traffic; that in 1943 his tonnage amounted to 38,704 ton miles consisting of farm supplies without livestock; that in the first five months of 1944 his tonnage amounted to 18,901 ton miles with 20 loads of livestock to Denver; that the average load of livestock to Denver was about four (4) tons; that a truckload consists of consolidated shipments made up of lots from about three (3) shippers; that he travels an average of 20 extra miles in making the pickups; that the highways in the territory surrounding Capulin and Mogote are more severe than in the balance of the territory and that higher rates should prevail from said territory; that, approximately 90 per cent of his entire business consists of coal.

Mr. Fred Gibson, testifying in support of the petition, stated that he has two (2) trucks, one 1 1/2 and one 2-ton capacity, both straight jobs with 16 foot racks; that his average load to Denver is 8,000 pounds on sheep, 10,000 pounds on cattle, and 11,000 pounds on hogs; that up to two weeks ago he was also operating a filling station in La Jara; that he also has a coal business in La Jara; that he transports very little livestock traffic to points other than Denver; that it requires ten (10) to twelve (12) hours' time from La Jara to Denver with a load of livestock, and about thirteen (13) hours for the return trip, due to the fact that he transports coal on the return trip; that his average load on coal is about seven (7) tons; that the price of gasoline has increased one (1) cent per gallon since May 1, 1944; that the price of tires (8:25 - 20 - 900 - 20) is $5.00 per tire higher than formerly; that his truckload shipments are generally made up of consolidated shipments consisting of lots from about four (4) different shippers; that in making his pickups he travels about fifteen (15) miles; that in the territory south of La Jara not fifty (50) per cent of the shippers have chutes for the loading of livestock; that during the last half of the year there is about one-third (1/3) more livestock traffic than during the first half of the year.

Mr. Edward T. Walker, testifying in support of the petition, stated that during the first seven months of the year he uses one straight truck and one 30 foot trailer; the balance of the year, three pieces of equipment; that the average weight per shipment is 16,000 pounds on sheep and 20,000 pounds on hogs; that about 75 per cent of his total traffic is livestock, the balance being back haul traffic from Denver for the Rio Grande Motor Way, Inc.; that he has been hauling the back haul traffic for about three months, on an average of about twice a week; that the back haul traffic is transported on a basis of fourteen (14) cents per loaded mile; that fifty (50) per cent of his livestock truckload shipments are made up of consolidated lots with an average of six (6) different shippers to the load with about fifty (50) extra miles involved in making the pick-ups; that his cost of operation is about fifteen (15) cents per mile, except his small truck costs approximately ten (10) cents per mile; that about two (2) weeks ago there was a six (6) per cent increase in the price of tires and a one (1) cent increase in the price of gasoline; that prior to December 1, 1942, he paid his drivers $20.00 per week, now he is paying $35.00 per week.

At the hearing, statements were submitted in evidence showing the receipts and expenses for 1942, 1943, and the first five (5) months of 1944, for account of Ashton, 1943 and the first five (5) months of 1944 for account of Vance and Walker and May 1 to December 31, 1943, and the first five (5) months of 1944, for account of Gibson. These statements were prepared on a cash basis. Upon request, and after the close of the hearing, amended statements prepared on an accrual basis were submitted by counsel for these carriers.

The statements prepared on the cash basis show the following revenue, expenses and profit or loss:

	1942	1943	1944
Ashton			
Revenue from transportation	$30,290.99	$59,420.37	$15,669.58
" " coal	948.98	None	None
Gross Revenue	$31,239.97	$59,420.37	$15,669.58
Total Expense	25,944.99	56,365.38	20,525.79
Net Operating Income	$ 5,284.98	$ 3,054.99	$ 4,856.21 (Loss)
Vance Transfer			
Revenue from transportation	-	$16,693.92	$ 3,837.63
" " mdse. sold	-	3,504.96	4,459.96
" " mail & express	-	720.00	-
Total Revenue	-	$20,918.88	$ 8,297.59
Total Expense	-	20,977.10	8,522.12
Net Loss	-	$ 58.22	$ 224.53
Gibson			
Revenue from transportation	-	$ 2,830.84	$ 2,152.68
Coal-profit at $4.00 per ton	-	1,728.00	594.00
Total Revenue	-	$ 4,558.84	$ 2,746.68
Total Expense	-	3,879.62	2,500.72
Net Income		$ 679.22	$ 245.96
Walker			
Revenue from transportation	-	$20,293.68	$ 7,315.38 (4 months)
Total Expense	-	19,913.41	7,120.67
Net Income	-	$ 380.27	$ 194.71

The statements prepared on the accrual basis show the following data:

	1942	1943	1944
Ashton			
Income			
Cash received during the year:	$31,239.97	$59,420.37	$15,669.58
Accts. receivable at end of "	2,500.00	651.47	1,268.40
Total	$33,739.97	$60,071.84	$16,937.98
Accts. receivable at start of year	244.24	2,500.00	651.47
Gross Operating Income	$33,495.78	$57,571.84	$16,286.51
Expenses	25,860.22	56,330.38	19,570.79
Expenses payable at end of year	154.00	3,374.23	2,230.60
Total	$26,014.22	$59,754.61	$21,801.39
Less expenses payable at start of year	None	154.00	3,374.23
Total Operating Expense for year	$26,014.22	$59,600.61	$18,427.16
Net operating profit or loss	$ 7,481.56(P)	$2,028.77(L)	$ 2,140.65 (L)

Vance		1943	1944
Revenue:			
From Transportation		$16,693.92	$3837.63
Merchandise sold		3,504.96	4459.96
Mail and Express		720.00	-
Total Cash Revenue		$20,918.88	$8297.59
Total Accts receivable at end of year		302.48	295.67
Total Operating Income	(as shown)	$20,979.18	$8290.78
	(should be)	$21,221.36	$8593.26
Total Operating Expense		$21,283.55	$9401.57
Net Operating Loss	(as shown)	$ 304.37	$1110.69
	(should be)	$ 62.19	$ 808.31

Gibson		
Revenue:		
From Transportation	$ 9,435.57	
" Station	2,415.40	
Total	$11,850.97	
Accts receivable at end of year	360.00	
Total	$12,210.97	$2,746.68
Merchandise bought for resale	4,946.00	-
	$ 7,264.97	
Total Expense	5,380.19	2,510.68
Less Inventory at end of year	300.00	-
Net Expense	$ 5,080.19	$2,510.68
Net Profit	$ 2,184.78	$ 236.00

The statements for the first five (5) months of 1944 are of little value in attempting to reach a conclusion what the balance of the year will produce, as the preponderance of the livestock traffic moves in the latter part of the year.

On the basis of an overall picture, the proposed rates represent an increase of approximately eleven (11) per cent to Denver, eighteen (18) per cent in the local rates between points in the San Luis Valley and twenty-two (22) per cent in the minimum charge applicable to movements between points in the said valley.

Under existing conditions surrounding motor carrier transportation, we believe respondents are entitled to some relief. The question is: How much of an increase should be permitted?

The operating ratio of Ashton computed on his accrual statement for the year 1943 is 103.5 per cent. There is no way of determining the percentage of revenue derived from local traffic in the Valley and the minimum charge applicable in connection with such traffic versus that derived from other traffic. According to the testimony the greater proportion of the traffic moves to Denver. On the assumption that 30 per cent moves to Denver and the balance is local, by increasing the Denver rates six per cent and the balance ten per cent, and dividing the revenue accordingly, the operating ratio would be approximately 97 per cent, which appears to be reasonable.

The proposed rule providing a charge for use of portable chute and setting up chute and arranging corral does not appear to be an unreasonable rule. However, the proposed charge of $3.00 per hour or fraction thereof for labor of one man and waiting time of truck appears somewhat unreasonable.

In Decision No. 22316, petroleum and petroleum products, we prescribed a demurrage charge of $2.50 per hour for delays after the free time had expired. We believe a charge of $2.50 per hour instead of $3.00 per hour would be reasonable. This charge can be avoided if shippers will provide proper loading and unloading facilities.

An exhibit of record shows that on two shipments there was involved seven (7) pickups requiring 73 extra miles on one and six (6) pickups requiring 71 extra miles on the other. Comparison is made of the difference between the pickups at 50 cents each and the cost at 15 cents per running mile. However, the total revenue received for the entire movement is not shown. We are not convinced that the 50 cent pickup charge in connection with the line haul movement is unreasonably low.

The record is too meager to justify the proposed seven (7) per cent in lieu of the present six (6) per cent on shipments moving on the distance scale of rates.

Findings

The Commission finds that the rates, rules and provisions set forth in Supplement No. 3 to Appendix G-2 attached hereto and made a part hereof, are, and for the future will be, just, fair, reasonable and sufficient maximum and minimum rates and charges and just, reasonable and proper rules and regulations, for all motor vehicle common carriers, and minimum rates, rules, regulations and provisions for all private carriers by motor vehicle when competing with duly authorized motor vehicle common carriers for substantially the same or similar service; that the record does not justify the proposed change in the pickup charge, nor in the change from six (6) to seven (7) per cent on movements moving under the distance scale of rates.

O R D E R

IT IS ORDERED, That this order shall become effective on the 30th day of September, 1944; that the rates, rules, and provisions set forth in Supplement No. 3 to Appendix G-2, attached hereto and made a part hereof, shall be published by all motor vehicle common carriers and private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected, to become effective on the 5th day of October, 1944, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913 and Section 10, Chapter 120, Session Laws of 1931, as amended; that on and after October 5, 1944, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than those herein prescribed; that 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 those 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

the petition for an increase from fifty (50) cents to $1.00 on pick-ups in making up combined loads, and the increase from six (6) to seven (7) per cent in connection with movements on the distance scale of rates be, and the same is hereby denied; that jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20th day of September, 1944

JH

SUPPLEMENT NO. 3 TO APPENDIX G-2
EXCEPTION NO. 1-A
CANCELS
EXCEPTION NO. 1, TO APPENDIX G-2

The following rates in cents per 100 pounds on livestock shall apply between the named points, also within a radius of ten miles of the named points. Where one ten-mile radius overlaps another ten-mile radius, the rate from and to the lower rated area shall apply, except in the ten mile radius of Capulin and Mogote west of U. S. Highway No. 285 the Capulin and Mogote rates, respectively, will take precedence over lower rated area rates. Minimum weight 8,000 pounds. The less-than-truckload rate shall be five (5) cents per 100 pounds higher than the rates herein provided for. (Not subject to the general six (6) per cent increase).

Between	Denver, Colo.		Pueblo, Colo.	
And	Other than Sheep	Sheep	Other than Sheep	Sheep
Ft. Garland	44	46½	30	32½
Alamosa	46	48½	33	35½
San Luis	45	47½	31½	34
Mesita	46½	49	34	36½
La Jara	47½	50	36	38½
Monte Vista	48	50½	36	38½
Antonito	49½	52	37½	40
Del Norte	49½	52	37½	40
Center	49½	52	37½	40
Saguache	49	51½	36½	39
Hooper	48	50½	36	38½
Moffat	49	51½	36½	39
South Fork	53	55½	40½	43
Creede	58½	61	43½	46
Upper Crossing West of Saguache)	51	53½	38½	41
Capulin	48	50½	37	39½
Mogote	50	52½	39	41½

EXCEPTION NO. 2-A CANCELS EXCEPTION NO. 2
TO
APPENDIX G-2

For local application between points in the following described territory:

> All those portions of the Counties of Alamosa, Conejos, Costilla, Mineral, Hinsdale, Rio Grande and Saguache bounded on the west by the Continental Divide, and on the east by the Sangre de Cristo Range; also between points in said territory on the one hand and Salida, Colorado, on the other hand, the following rates shall apply: (Not subject to the general six (6) per cent increase).

Rates in Cents per Loaded Mile Traveled

	20 Miles and Under	Over 20 Miles
Stock racks under 20 feet in length	27½	22
Stock racks 20 feet in length and not exceeding 28 feet in length	33	27½
Stock racks over 28 feet in length	38½	33

Subject to the following terms and conditions:

Minimum Charge: Stock racks 20 feet and under in length, $4.50 for any one trip; racks over 20 feet in length, $5.50 for any one trip.

Highway Conditions: In the event of snow, mud, or other hazards beyond the control of the carriers, making operations difficult, five (5) cents per mile shall be added to the above named mileage rates.

RULE NO. 16 - Loading and Unloading Facilities:

Proper facilities for loading and unloading shall be furnished by the shipper or owner of the livestock. In the event the shipper or consignee does not have proper facilities, same will be furnished by the carrier. The following charges will be made for such extra service:

> $1.00 for use of chute.
> $2.50 per hour for labor of one man and waiting time of truck, while setting up chute and arranging corral. (Time to be computed from time of arrival of equipment at loading point until stock is ready for loading.) Fractions of an hour to be computed on the hourly charge basis for the actual time of the delay. (Applicable only in connection with movements from and to points in the San Luis Valley.)

(Decision No. 22691)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PETITIONS OF HILL TOP-DENVER TRUCK LINE FOR CERTAIN CHANGES IN MILK RATES: O. R. ALBIN, DOING BUSINESS AS FRANKTOWN TRUCK LINE, TO MAKE CERTAIN CHANGES IN MILK RATES; THE WEICKER TRANSFER AND STORAGE COMPANY AND OTHER INTERESTED CARRIERS TO REQUIRE THAT CHARGES BE PREPAID OR GUARANTEED ON LESS THAN TRUCKLOAD SHIPMENTS OF HOUSEHOLD GOODS AND OFFICE FURNITURE (USED, SECOND-HAND) NOT PACKED OR CRATED.	CASE NO. 1585

September 21, 1944

Appearances: A. J. Fregeau, Weicker Transfer and Storage Company, Denver, Colorado;
Percy S. Morris, Esq., Office of Price Administration, Denver, Colorado;
Emil Wallden, Hill-Top-Denver Truck Line, Hill Top, Colorado;
Mrs. O. R. Albin, Franktown Truck Line, Franktown, Colorado;
T. S. Wood, Public Utilities Commission of the State of Colorado, Denver, Colorado.

S T A T E M E N T

By the Commission:

By Decision No. 22445 dated July 7, 1944, Case No. 1585 was reopened for further hearing and the following matters were heard on July 27, 1944:

For Account of Hill Top-Denver Truck Line

To cancel item No. 1240, page 145 of Tariff No. 2-B, and refer to Item No. 1110 for future rates.

Reissue item No. 1110, page 140 of Tariff 2-B and eliminate cream referring to item No. 880 for future rates on cream.

At the present time the three items in question provide as follows:

Item No.	Commodity	From	To	Rate
880	Cream	Hill Top	Denver	25 cents per 5 gallon can 40 cents per 10 gallon can
1110	Milk and Cream (1)Subject to a 10% reduction on single shipments from one shipper in one day of seven or more full 10-gallon cans. (2)Per 5-gallon can (3) Per 10 " "	Between Denver	And A radius of 3 miles from Hill Top	(2) 15 (1)(3) 25
			Other authorized territory of the Denver-Hill Top Truck Line	(2) 15 (1)(3) 26

Item No.	Commodity	From	To	Rate
1240	Milk	Hill Top	Denver	20 cents per 5 gallon can
				35 cents per 10 gallon can

For Account of O. R. Albin, doing business as Franktown Truck Line

To publish the following rates on milk and cream to Denver, Colo.:

From points south of Russellville Hill, 20 cents per 5 gallon can, 30 cents per 10-gallon can. From points north of Russellville Hill, 15 cents per 5-gallon can, subject to a minimum charge of 20 cents, 25 cents per 10-gallon can on shipments of less than 10 cans, 23 cents per 10-gallon can on shipments of 10 to and including 15 cans, 20 cents per 10-gallon can on shipments over 15 cans. From Springdale Ranch, 20 cents per 10-gallon can.

The present rates are 15 and 25 cents per 5 and 10 gallon can from points south of Russellville Hill; 10 cents per 5-gallon can, subject to a minimum charge of 20 cents and 20, 18 and 15 cents on less than 10 cans, 10 to 15 cans and over 15 cans, per 10-gallon can, from points north of Russellville Hill, and 18 cents per 10-gallon can from Springdale,Ranch.

For Account of The Weicker Transfer and Storage Company and other Other Interested Carriers.

To require the charges on less-truckload shipments of Household Goods and Office Furniture (used, second-hand), not packed or crated be prepaid or guaranteed.

The cancellation of item 1240 and referring to item 1110 will eliminate a conflict in the rates on milk and cream from Hill Top to Denver and at the same time cause a reduction of 5 cents per 5-gallon can and 10 cents per 10-gallon can in the milk rates. The cancellation of cream from item 1110 and referring to item 880 will result in an increase in the rate on cream from Hill Top To Denver. Inasmuch as item 880 applies only from Hill Top to Denver, there would be no rates in effect on cream from points other than Hill Top. The increase would be 10 cents per 5-gallon can and 15 cents per 10-gallon can.

A witness for the truck line testified that the main purpose of his proposal was to eliminate the conflict in the rates under the three items in question; that he transports approximately sixty (60) gallons of cream per day; that cream is a higher priced commodity than milk and might properly take a higher rate than milk.

Regarding the matter of requiring the charges to be prepaid or guaranteed on less than truckload shipments of household goods, a witness testified that the motor vehicle common carriers are transporting an increasing number of less than truckload shipments of used household goods and personal effects with an increasing number of refused and unclaimed shipments which generally result in a loss to the carrier for the reason that the shipments, when

sold for accrued transportation and storage charges, will not return sufficient revenue to pay such charges.

Such a provision does not appear to be an unreasonable one.

Mrs. O. R. Albin, testifying in support of the petition for a five (5) cent increase from points other than the Springdale Ranch and a two (2) cent increase from said Ranch, stated that they (meaning, we presume, her and her husband) had been operating since February 16, 1944; that they transported about 65 cans of milk per day in April, 70 cans per day in May, and 80 cans per day in June and July; that on the basis of 80 cans per day, approximately 70 were moving from points north of Russellville Hill, 3 from points south of Russellville Hill and 7 from the Springdale Ranch; that there was one shipper shipping 20 cans per day; that their gas expense was about $110.00 per month.

At the request of the Commission, a statement was submitted after the close of the hearing showing the receipts and expenses for the period February 16 to July 15, 1944, inclusive.

The statement shows the receipts from milk hauling as $1982.42 and from other freight traffic $120.00, or a total of $2102.42. The total expense is shown as $1466.03, which includes $750.00 paid to the owner as the regular driver. The gas expense as testified to in the direct testimony is not included in the statement.

If the statement was adjusted, eliminating the $750.00 and adding $550.00 for gas, the total expense would be $1266.03, which would leave a net operating revenue of $836.39.

The statement sets forth that both the road haul and pick-up trucks are in need of a complete overhauling; that the large truck has 150,000 miles on it and the smaller truck 250,000 miles.

A complete picture of the present rates versus the proposed rates represents an increase of 26.4 per cent. If the amount received for milk transportation was increased 26.4 per cent and the expenses remained the same, the net operating profit would be $1239.76 instead of $836.39, which appears somewhat high.

The record does not show what proportion of the traffic is in

five (5) gallon cans, or in ten (10) gallon cans. However (based on other cases involving milk rates), we are of the opinion that the greater part of the shipments is in ten (10) gallon cans, upon which the 20 and 25 cent rates are now applicable.

We believe this carrier is entitled to some increase, and that rates of 18 and 28 cents per 5 and 10 gallon can, respectively, from points south of Russellville Hill; 15 cents per 5 gallon can, subject to a minimum charge of 20 cents, 25 cents per 10 gallon can on shipments of less than 10 cans, 20 cents per 10 gallon can on shipments of 10 to and including 15 cans, 17 cents per 10 gallon can on shipments over 15 cans, from points north of Russellville Hill, and 20 cents per 10 gallon can from Springdale Ranch, will be just, reasonable and compensatory.

Findings

The Commission finds that rates of 15 cents per 5 gallon can and 25 cents per 10 gallon can on milk between Denver, Colorado, and Hill Top, Colorado, and points within a radius of 3 miles from Hill Top, and 15 cents per 5 gallon can and 26 cents per 10 gallon can between Denver, Colo., and points other than those designated above in the authorized territory of the Hill Top-Denver Truck Line, with a 10 per cent reduction on single shipments from one shipper in one day of seven (7) or more full 10 gallon cans, and 25 cents per 5 gallon can and 40 cents per 10 gallon can on cream from Hill Top, Colorado, and other points in authorized territory to Denver, Colorado, will be just and reasonable; that a rule providing for the prepayment or guarantee of transportation charges on less than truck-load shipments of Household Goods and Office Furniture (used, second-hand), not packed or crated, will be a just and reasonable rule; that rates of 18 cents per 5 gallon can, subject to a minimum charge of 20 cents, and 28 cents per 10 gallon can on milk and cream from points south of Russellville Hill to Denver, Colorado, 15 cents per 5 gallon can, subject to a minimum charge of 20 cents, 25 cents per 10 gallon can on shipments of less than 10 cans, 20 cents per 10 gallon can on shipments of 10 to and including 15 cans, 17 cents per 10 gallon can on shipments over 15

from points north of Russellville Hill to Denver, and 20 cents per 10 gallon can from Springdale Ranch to Denver, will be just and reasonable on the line of O. R. Albin, doing business as the Franktown Truck Line.

O R D E R

IT IS ORDERED, That this order shall become effective on the 30th day of September, 1944: that the rates, rules and provisions hereinbefore set forth in the findings which are hereby made a part hereof, shall be published by the Hill Top-Denver Truck Line, O. R. Albin, doing business as the Franktown Truck Line, and by all motor vehicle common carriers to the extent they are affected, to become effective on the 5th day of October, 1944, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913 and Section 10, Chapter 120, Session Laws of 1931, as amended; that on and after October 5th, 1944, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less or different than the rates and provisions herein prescribed on the traffic involved; that 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 rates 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

Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1944

JH

(Decision No. 22692)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PROPOSED CHANGES IN CERTAIN RATES OF SWENA TRANSFER AND EXPRES, AND NORTH EASTERN FREIGHT COMPANY; ALSO CERTAIN CHANGES IN LIVESTOCK RATES.	))))	CASE NO. 1585

September 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of two petitions from The Motor Truck Common Carriers' Association, as Agent, for and on behalf of Harold M. Swena, doing business as Swena Transfer and Express, and Frank Harold Coplin, doing business as North Eastern Freight Company; Everready Freight Service, Bates and Sons, Ralph Yockey, Mark Yockey, Sorenson Truck Line, and other interested livestock carriers, for authority to make the following changes in rates:

For Account of Swena Transfer and Express

To provide a minimum weight of 5,000 pounds on brick from Golden to Denver and intermediate points.

To publish a rate of eight (8) cents per 100 pounds on Ice, in blocks, loose, minimum weight 10,000 pounds from Golden, Colo., to Denver, Colorado.

For Account of the North Eastern Freight Company

To cancel a rate of 16 cents per 100 pounds on Feed, animal or poultry, in bags, boxes, barrels or bales; Flour, in bags; Ice; Salt, in bags, barrels or boxes, straight or mixed shipments, minimum weight 500 pounds, between Sterling, Colo., and Julesburg, Colo., and intermediate points.

For Account of Everready Freight Service, et al.

To provide that all shipments of livestock moving between Denver, Colorado, and the following territories shall be charged rates based on the plains scale for the entire distance, plus two times the differential scale for that portion of the distance located in Mountain territory:

1. All that territory lying between Morrison, Colorado, and Trout Creek Pass, Colorado, and moving over U. S. Highway No. 285 and feeder roads.

2. All that territory lying between Idaho Springs, Colorado, and Rabbit Ears Pass, Colorado, and between Idaho Springs, Colo., and Glenwood Springs, Colo., and moving over U. S. Highways No. 6 and 40 and feeder roads.

3. All that territory lying west of Home, Colorado, and moving over State Highway No. 14 and feeder roads.

(The provisions of this exception will alternate with the provisions of Livestock Exception No. 6, from and to points in Jackson County, Colo., and whichever produces the higher charge will apply.)

Also the following rule for account of Sorenson Truck Service:

Proper facilities for loading shall be furnished by the owner of the livestock. In the event owner does not have proper loading facilities, same will be furnished by the carrier. The following charges will be made for such extra service:

Portable Loading Chute: 10 cents per truck mile traveled, subject to a minimum charge of $2.00 per trip.

Extra Labor: $3.00 per hour or fraction thereof for use of one man and truck in arranging corral. (Time to be computed from time of arrival of equipment at loading point until livestock is ready for loading.)

Findings

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

O R D E R

IT IS 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 5th day of October, 1944, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for taking of evidence concerning the matters and things hereinbefore set forth in the statement, hereby referred to and made a part hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 22nd day of September, 1944

JH

Original

(Decision No. 22693)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF THE CENTRAL GAS UTILITIES COMPANY, ABILENE, KANSAS, TO SELL, AND OF KANSAS-COLORADO UTILITIES, INC., TO PURCHASE, NATURAL GAS TRANSMISSION AND DISTRIBUTION FACILITIES LOCATED IN BACA AND PROWERS COUNTIES, COLORADO, AND TRANSFER OF FRANCHISE RIGHTS.	APPLICATIONS NOS. 1647-AAA, 1648-AA, 1726-AA, 1727-AA, 1728-AA, 1729-AA, 5886-A.

September 25, 1944.

Appearances: Harold Bolton, Esq., Abilene, Kansas, for applicants.

S T A T E M E N T

By the Commission:

By this application, The Central Gas Utilities Company, a Kansas corporation, seeks authority to transfer to Kansas-Colorado Utilities, Inc., a Kansas corporation, its system for the production and distribution of natural gas in the Counties of Prowers and Baca, in the State of Colorado, and certain properties in the State of Kansas, said system and properties consisting generally of leases, gas wells, distribution and transmission pipe lines and equipment, automobiles, tools, furniture and fixtures, material and supplies incidental thereto, real estate buildings, rights of way and easements, contracts and franchises, and the certificates of public convenience and necessity issued by this Commission and acquired by said corporation pursuant to Decision No. 9456, and the certificate granted in Application No. 5886, Decision No. 18746, said rights obtained under Decision No. 9456 being authority to exercise franchise rights in the towns and cities of Lamar, Wiley, Granada, Springfield, Walsh, and Holly, the authority granted by Decision No. 18746 being the right to serve all of Prowers County and all of Baca County east of Range Line 48 West.

The terms of sale and purchase are more particularly set

is made a part hereof.

The matter was heard in Denver, Colorado, on September 19, 1944, pursuant to prior setting, after due notice to all parties in interest, and was taken under advisement.

At the hearing, it appeared that The Central Gas Utilities Company is a subsidiary of United Utilities, Incorporated, which company is a registered holding company under the Public Utility Holding Act of 1935; that its parent company, in order to comply with the rules and regulations of said Act, and in particular Section 11 thereof, joined with the applicant, The Central Gas Utilities Company, in an application before the Securities and Exchange Commission for authority to sell the assets mentioned in this application to Reece E. McGee, or his nominee; that the Securities and Exchange Commission, as a condition precedent to the authorization of said sale, has required applicants to obtain the approval of proposed sale and transfer by The Public Utilities Commission of the State of Colorado; that Kansas-Colorado Utilities, Inc., has been incorporated under the laws of the State of Kansas, to engage in the manufacture, sale, and distribution of natural gas; that it is qualified to do business in the State of Colorado; that in entering into the contract with The Central Gas Utilities Company for the sale and purchase of said properties, Reece E. McGee was acting as agent for for Kansas-Colorado Utilities, Inc.; that Kansas-Colorado Utilities, Inc., as yet, is not financed; that arrangements for financing have been consummated with John Hancock Insurance Co. and United Trust Company, the details thereof appearing in applicant's Exhibit No. 3, which, by reference is made a part hereof; that the purchase price to be paid by Mr. McGee or his nominee to The Central Gas Utilities Company is the sum of approximately One Million Dollars ($1,000,000.00); that John Hancock Insurance Company is to take Six Hundred Thousand Dollars ($600,000.00) of twenty-year serial four and one-half per cent first mortgage bonds; and United Trust Company has agreed to purchase five per cent preferred stock of the par value of Two Hundred Thirty-five Thousand Dollars ($235,000.00) for a total price of Two Hundred

Twenty-three Thousand, Two Hundred Fifty Dollars ($223,250.00), and not more than nineteen thousand shares, nor less than fifteen thousand shares of the 40,000 authorized shares of common stock of the par value of Five Dollars, at a price of Five Dollars per share; that the McGee family will purchase common stock in the amount of One Hundred Thirty-five Thousand Dollars ($135,000.00), if and when the transfer is approved by the proper authorities.

If the sale and purchase as outlined and the financing arrangements made, are not approved by this Commission and other authorities having jurisdiction in the matter, financing arrangements and said sales of common and preferred stock and bonds will not be consummated.

It further appeared that all properties of The Central Gas Utilities Company in the Counties of Baca and Prowers are to be transferred; that the present management of The Central Gas Utilities Company will continue to manage and operate the system under ownership by Kansas-Colorado Utilities, Inc.; that properties are in first-class condition; that no major litigation involving said transferor is pending; that the territory is not served by any company other than applicant.

No one appeared in opposition to the granting of the authority sought, and it did not appear that anyone will be adversely affected by consummation of the transfer.

After careful consideration of the record, the Commission is of the opinion, and finds, that the transfer is consistent with the public interest, and that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require that authority be, and the same hereby is, granted to The Central Gas Utilities Company, a Kansas corporation, to transfer to Kansas-Colorado Utilities, Inc., a Kansas corporation authorized to do business in the State of Colorado,

all its properties in the State of Colorado, including, but not limited to, the certificates of public convenience and necessity issued by the Commission in Applications Nos. 1647, 1648, 1726, 1727, 1728, and 1729, which were acquired by applicant pursuant to Decision No. 9456, and certificate of public convenience and necessity granted in Application No. 5886, Decision No. 18746, upon the terms set forth in the Statement herein, said authority to be conditioned upon the financing of Kansas-Colorado Utilities, Inc., as contemplated, and the approval of transfer by the Securities and Exchange Commission and the Federal Power Commission.

That jurisdiction be, and the same hereby is, retained to the end that the Commission may make such further order or orders as it may deem necessary in the premises.

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

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1944.

BH

(Decision No. 22694)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF D. M. CLINE, OAK CREEK, COLORADO, FOR AUTHORITY TO TRANSFER PRIVATE CARRIER PERMIT NO. B-820 TO W. F. WILSON, BOX 303, IDAHO SPRINGS, COLORADO, BY LEASE.

APPLICATION NO. 4771-PP-AA

September 26, 1944

S T A T E M E N T

By the Commission:

On August 11, 1944, by Decision No. 22586, application of D. M. Cline, of Oak Creek, Colorado, to transfer Private Carrier Permit No. B-820 to W. F. Wilson, Idaho Springs, Colorado, was dismissed for lack of prosecution.

Subsequently, Mr. Cline asked that said Order of Dismissal be set aside, stating that on account of illness, he could not be present at the time and place set for hearing. Doctor's certificate in support of statement was filed therewith.

After careful consideration of the record, the Commission is of the opinion, and finds, that said Order of Dismissal should be set aside and held for naught.

O R D E R

IT IS ORDERED:

That our Decision No. 22586, of date August 11, 1944, dismissing application for transfer of Permit No. B-820 to W. F. Wilson be, and the same hereby is, set aside, cancelled, and held for naught, said application to be reset for hearing at such time and place as the Commis-

sion hereafter may determine.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of September, 1944.

mw

(Decision No. 22695)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VERNON VAN DEUSEN, WESTMINSTER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6680-PP
IN THE MATTER OF THE APPLICATION OF H. F. WESTHOFF AND SONS, WELDONA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6683-PP
IN THE MATTER OF THE APPLICATION OF GEORGE POLING, 1254 PERRY STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6684-PP

September 26, 1944

Appearances: Myron H. Burnett, Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association, Tony Periconi;
Martin Studheit, Idalia, Colorado, pro se;
E. L. Motsinger, Kirk, Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 12, 1944, by Decision No. 22589, the above-styled applications were dismissed for lack of prosecution.

Since said hearing, said applicants, and each of them, have asked that said Order of Dismissal be set aside, they, severally, stating that they were unable, for reasons assigned, to be present at the time and place when said applications were set for hearing.

After careful consideration of the several requests of applicants, the Commission is of the opinion, and finds, that said Order of Dismissal should be set aside and vacated.

O R D E R

IT IS ORDERED:

That our Decision No. 22589, of date August 12, 1944, in the above-styled matters, be, and the same hereby is, set aside and held for naught, and said applications restored to our active files for setting.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of September, 1944.

mw

(Decision No. 22696)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR D. WALK AND PHILLIP A. MAGEE,)
DOING BUSINESS AS "NAVAJO TALLY-HO,")
MANITOU SPRINGS, COLORADO, FOR A) APPLICATION NO. 6663
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
- - - - - - - - - - - - - - - - - - - -

IN THE MATTER OF THE APPLICATION OF)
EMIL CLARK, DOING BUSINESS AS)
"MOUNTAINEER STABLES," MANITOU) APPLICATION NO. 6664
SPRINGS, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)
- - - - - - - - - - - - - - - - - - - -

* * * * * * * * * * *
September 26, 1944
* * * * * * * * * * *

Appearances: Robert H. Schaper, Esq., Carlton Building, Colorado Springs, Colorado, for Navajo Tally-Ho;
Forad Brothers, Esqs., Exchange National Bank Building, Colorado Springs, Colorado, for Mountaineer Stables;
Chester B. Horn, Esqs., Colorado Springs, Colorado, for Colorado Springs Bus Company;
Conour and Conour, Esqs., Del Norte, Colorado, for Pikes Peak Stage Coach Company.

S T A T E M E N T

By the Commission:

On August 14, 1944, the Commission entered its order and decision, No. 22608, in the above-styled matters, granting certificates of public convenience and necessity to the applications in Applications Nos. 6663 and 6664.

On September 2, 1944, protestant, Pikes Peak Stage Coach Company, filed its application for rehearing.

The Commission has carefully considered each and every alleged ground for rehearing and assignment of error set forth in said petition, and has reviewed the record herein, and is of the opinion, and finds,

that no error was committed, and that Petition for Rehearing should be denied.

O R D E R

IT IS ORDERED:

That Petition for Rehearing filed herein by Pikes Peak Stage Coach Company on September 2, 1944, 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 26th day of September, 1944.

mw

(Decision No. 22697)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK VIRGIL SANDOVAL, 355 NORTH SEVENTH, BRIGHTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6719-PP

September 26, 1944

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.

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 Frank Virgil Sandoval, Brighton, 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.

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 26th day of September, 1944.

mw

(Decision No. 22698)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MIKE A. NICOLA, RFD 2, INDIANA AVENUE, TRINIDAD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6528-PP SUPPLEMENTAL ORDER

September 26, 1944

Appearances: James F. Couey, Trinidad, Colorado, for Couey Transfer and Storage Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On January 28, 1944, by Decision No. 21875, Mike A. Nicola was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> coal from mines in Huerfano and Las Animas Counties to Trinidad and points within a radius of fifteen miles thereof, and the transportation of mine supplies from supply points within a radius of twenty-five miles of Trinidad to the mine of Frank Jadonik, near Rugby, Colorado.

Mr. Nicola has asked the Commission to strike from said authority the right to transport mine supplies.

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

O R D E R

IT IS ORDERED:

That all that part of the first paragraph of the Order contained in Decision No. 21875, reading:

> "and the transportation of mine supplies from supply points within a radius of twenty-five miles of Trinidad to the mine of Frank Jadonik, near Rugby, Colorado,"

be, and the same hereby is, stricken, and that hereafter the authority of said Mike A. Nicola under said Decision No. 21875 shall be limited to the transportation of:

> coal from mines in Huerfano and Las Animas Counties to Trinidad and points within a radius of fifteen miles thereof.

That, except as herein amended, Decision No. 21875 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of September, 1944.

mw

(Decision No. 22699)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ANTHONY E. MACKEY, 1849 GROVE STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6721-PP

September 26, 1944

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 road surfacing materials from pits and supply points in the State of Colorado to jobs within a radius of fifty miles thereof, 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 Anthony E. Mackey, 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 Govenment.

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 26th day of September, 1944.

mW

(Decision No. 22700)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF REUBEN E. RUTT, 6400 NORTH TENNYSON STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6720-PP

September 26, 1944

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 points within a radius of fifty miles of said mines.

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 permit should issue.

O R D E R

IT IS ORDERED:

That Reuben E. Rutt, 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, 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 points within a radius of fifty miles of said mines.

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 26th day of September, 1944.

mw

(Decision No. 22701)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PETER SCHOENDALLER AND LUVERNE F. SCHOENDALLER, DOING BUSINESS AS "AURORA CAB COMPANY," 2528 HUDSON STREET, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6718

September 26, 1944.

Appearances: Laurence M. Guilford, Esq., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

On July 25, 1944, Peter Schoendaller and Luverne F. Schoendaller, doing business as "Aurora Cab Company," filed their application for a certificate of public convenience and necessity to operate a taxicab service in Aurora.

On August 17, 1944, Laurence M. Guilford, their attorney of record, asked that said application be dismissed.

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

O R D E R

IT IS 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 26th day of September, 1944.

mw

(Decision No. 22702)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATE ON WHEAT FROM DURANGO, COLORADO, TO MONTE VISTA, COLO.) CASE NO. 1585

September 23, 1944

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 Rio Grande Motor Way, Inc., requesting authority to establish a rate of 23 cents per 100 pounds on wheat, loose or in sacks, minimum weight 40,000 pounds, from Durango, Colorado, to Monte Vista, Colorado, not subject to the general 3 per cent increase.

The petition states that the publication of this rate is necessary to meet rail competition and to permit us to participate in the business. A substantial tonnage is about ready to move and as a consequence, if we are to handle a portion of it, the rate of 23 cents must be made effective at the earliest possible date.

The present motor rate is 26 cents per 100 pounds, subject to a minimum weight of 28,000 pounds.

The earnings under the proposed rate would be 34 cents per ton mile and 68.148 cents per truck mile if transported in one unit or 34 cents per truck mile if handled in two units under the provision previously prescribed by us on quantity shipments. Under the later condition, the earnings do not appear to be unreasonably low.

Inasmuch as the Motor Way is the only authorized scheduled motor vehicle common carrier operating between the said points, we do not feel that a public hearing is essential.

Findings

The Commission finds that the request should be authorized and prescribed.

O R D E R

IT IS ORDERED, That this order shall become effective forthwith; that a rate of 23 cents per 100 pounds on wheat, loose or in sacks, minimum weight 40,000 pounds, from Lamango, Colorado, to Monte Vista, Colorado, not subject to the three per cent general increase, shall be published by the Rio Grande Motor Way, Inc., to become effective October 1, 1944, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act; that on and after October 1, 1944, the Rio Grande Motor Way, Inc., shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates herein prescribed; that on and after said October 1st, 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

Commissioners

Dated at Denver, Colorado,
this 23rd day of September, 1944.

(Decision No. 22703)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF S. L. RODGERS, DOING BUSINESS AS "BROADWAY MOVING AND STORAGE COMPANY," 1164 SOUTH SHERMAN STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 672 TO S. L. RODGERS, THEODORE K. BLUE, AND ANNA M. BLUE, DOING BUSINESS AS "BROADWAY MOVING AND STORAGE COMPANY," 1164 SOUTH SHERMAN STREET, DENVER, COLORADO.

APPLICATION NO. 2061-AA

September 26, 1944

Appearances: Worth Allen, Esq., Denver, Colorado, for applicants;
Clarence Werthan, Esq., Denver, Colorado, for Howell Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On August 22, 1944, the Commission entered its order and decision, No. 22626, denying the application of S. L. Rodgers, doing business as "Broadway Moving and Storage Company," to transfer his certificate of public convenience and necessity to S. L. Rodgers, Theodore K. Blue, and Anna M. Blue, doing business as "Broadway Moving and Storage Company."

On September 5, 1944, Application for Rehearing was filed by applicants. It was urged that:

> "S. L. Rodgers, one of the applicants herein and the holder of the certificate in question, is very ill and may live only a short time. Applicants are willing to have the restriction as to transfer continue to the effect that no transfer shall be made that would result in divorcing Anna M. Blue, daughter of said Rodgers, from any ownership of said certificate."

We appreciate Mr. Rodgers' situation, and sympathize with him. Nevertheless, when the certificate issued, the then Commission found that

the public convenience and necessity required that said certificate should issue without the right to transfer -- that is, that the right to operate should cease when Mr. Rodgers, personally, for any reason, should discontinue his operations. We are of the opinion that the removal of said restriction, in effect, would be an extension of the certificate; that such extension can be secured, if at all, only through a formal application for extension.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that said Petition for Rehearing should be denied.

O R D E R

IT IS ORDERED:

That the Petition for Rehearing herein filed by applicants 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 26th day of September, 1944.

MW

(Decision No. 22704)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALAMOSA FOR THE OPENING OF A PUBLIC HIGHWAY OVER THE RIGHT OF WAY AND TRACKS OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY AT A POINT IN THE SOUTH BOUNDARY LINE OF SECTION 9, TOWNSHIP 40, NORTH, RANGE 10 EAST, NEW MEXICO P. M., WHICH POINT IS 185 FEET SOUTH OF MILE POST 282.	)	APPLICATION NO. 6705

September 27, 1944.

S T A T E M E N T

By the Commission:

On August 23, 1944, the Board of County Commissioners of Alamosa County, Colorado, filed an application with the Commission for the opening and establishing of a railway highway crossing, at grade, over the right of way and main track of The Denver and Rio Grande Western Railroad Company at a point in the south line of Section 9, Township 40 North, Range 10 East New Mexico P. M., which point is 185 feet south of mile Post 282 of the Salida-Alamosa Branch of said railroad.

The application alleged that the location of Highway No. 17 had been changed from the east side of the railroad to the west side, and the only road that is maintained for people residing in a certain area described in the application is an east and west road along the south side of Sections 9, 10, 11 and 12 of Twp. 40 North, Range 10 East, New Mexico P. M., and it is now necessary to extend this road west across the railroad tracks to a junction with Highway 17 in its new location, said crossing being at the point heretofore described. Highway No. 17 in its old location is no longer maintained.

A copy of the application was duly served on said railroad company, and on August 29, 1944, a reply was received from the General

Attorney for the Trustees of said railroad company, advising the Commission that the railroad company had no objection to the application, provided that the County should bear the entire expense of the installation of the crossing. A copy of this reply was forwarded to the said County Commissioners for an expression of their attitude regarding the terms of approval as given by the railroad company, and on September 6, 1944, a reply was received from the Board of County Commissioners of Alamosa County, accepting the terms proposed by the railroad company for installation of the crossing.

The Commission's engineer made an inspection of the site of the proposed crossing and found said crossing was necessary for the convenience of the public, as heretofore outlined, and that crossing had no dangerous features other than what is inherent to any grade crossing, and recommended approval of the crossing.

Therefore, since all parties concerned herein are agreed on the terms and establishment of the grade crossing, as herein proposed, the Commission finds, upon the record on file in this case, that the convenience and necessity require the opening and establishment of said grade crossing as proposed, and without further proceedings in the matter, will make its order accordingly.

O R D E R

IT IS ORDERED:

That in compliance with Section 29 of the Public Utilities Act, as amended, a public crossing, at grade, be, and is hereby, permitted to be opened and established over the right of way and tracks of the Denver and Rio Grande Western Railroad at a point in the south line of Section Nine (9), Township Forty (40) North, Range Ten (10) East of the New Mexico Principal Meridian, and which point is 185 feet south of Mile Post 282 of the Salida-Alamosa Branch of said railroad; provided, however, that prior to the opening of said crossing to public travel, it shall be constructed in accordance with the plans and specifications of the Commission as provided in Case No. 879.

IT IS FURTHER ORDERED, That all the expense incident to the installation of said crossing, including the drainage therefor, shall be borne by the County of Alamosa, Colorado, and that the expense for future maintenance of said crossing, including any signs required, shall be borne by the said The Denver and Rio Grande Western Railroad Company or its assigns.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1944.

BH

(Decision No. 22705)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE COLORADO TRADING AND TRANSFER COMPANY, INC., CRIPPLE CREEK, COLORADO, FOR AN EXTENSION OF PUC NO. 1357.

APPLICATION NO. 5328-BB

September 27, 1944

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

S T A T E M E N T

By the Commission:

By the instant application, authority is sought for an extension of Certificate No. 1357 to permit the transportation of general commodities between points in Teller County, and to and from points in Teller County, from and to points in the State of Colorado.

It appeared from the evidence presented at the hearing held in Colorado Springs, Colorado, on August 4, 1944, that applicant is a corporation organized under the laws of the State of Colorado, having been engaged in the transportation business since 1892.

On May 11, 1940, in Application No. 5328, by Decision No. 15374, Certificate No. 1357 was issued by the Commission to said Colorado Trading & Transfer Company, with the following authority:

> transportation of ore and concentrates, machinery, mining and milling supplies, and coal, on call and demand, from point to point within a radius of 15 miles of Cripple Creek, Colorado, and transportation of

> machinery, mining and milling supplies, including coal, between points in above described area and points outside thereof; provided, however, that movements of mining and milling supplies to and from the described Cripple Creek-Victor area shall be restricted to service rendered for the affiliated companies now associated with applicant herein and such companies as may in the future become affiliated with said applicant.

On July 29, 1940, by Decision No. 15736, the above decision was amended to include:

> the transportation of ore and concentrates from points within a fifteen-mile radius of Cripple Creek, Colorado, to points outside thereof, for shippers, generally.

Thereafter, on October 8, 1943, by Decision No. 21444, said certificate was extended to include:

> transportation of ore and ore concentrates between points within a radius of fifty miles of Colorado Springs, and to railheads from mines and supply points within the State of Colorado, without limitation, for the duration of the war, or until such time as premiums now paid by Government agencies on lead and zinc ore are discontinued (whichever is last), said service to be limited to service for The Golden Cycle Corporation, the Cresson Consolidated Gold Mines and Milling Company, and the United Gold Mines Company, being affiliates of said Colorado Trading and Transfer Company, Inc.

It further appeared at the hearing that the present authority is not broad enough to adequately serve people in the area, especially those within the Cripple Creek-Victor area who are not associated with the Carlton interests, and applicant now seeks a further extension of its certificate to authorize the transportation, on call and demand, of general commodities, especially fruits and vegetables, between points in Teller County, and from and to points in Teller County, to and from points in the State of Colorado; that Teller County is situated in the mountainous area, and is devoted to the mining of gold. No fruits are raised in said county, and only a limited supply of vegetables, if any, its residents being consumers, only, of farm produce.

The evidence further disclosed that the closing of gold mines by the Federal Government, and the recommendation by the Government that the manpower and machinery heretofore used in the mining of gold be

transferred and used in the mining of strategic and vital metals for the War Effort, namely, lead, zinc, and copper, has resulted in the removal of said mining machinery from the Cripple Creek district to other mining areas of the State of Colorado, especially to the Westcliffe and Gunnison districts. It was further called to the attention of the Commission that after the war, when the district resumes the mining of gold, it will be necessary that this machinery be moved back to the Cripple Creek District, or other machinery be brought in to replace it, and that with the resumption of gold mining, large amounts of lumber, cement, cinder blocks, structural steel and building materials of all kinds, as well as mining and milling machinery, will be required before the district can go back into substantial production. Several witnesses testified as to the need of adequate service during this reconstruction period.

Mr. W. A. Kiner, of Cripple Creek, Colorado, testified that he had been an independent mine operator for the past thirty-five years, and was not connected with the Carlton interests; that it was his plan to resume operations in the Cripple Creek District on the resumption of gold mining; that for his operations, he would require considerable machinery and mentioned especially hoists, compressors, motors, and other heavy mining machinery which had been moved to the lead-zinc fields upon the closing by Government Order.

He further testified that a great amount of this machinery had been moved into a mountainous territory and was difficult to handle; that applicant had had many years of experience, together with a trained personnel and the necessary equipment for this type of work; that due to their special equipment, knowledge and familiarity with this type of transportation, and their availability, he felt they should be given the authority asked for.

On cross-examination, he was asked what preparation he was now making, and he stated that he was locating machinery in Denver and other places where mining machinery is available for his proposed operations;

that there are other independent operators who are in a similar position.

F. W. Rutman, of Cripple Creek, Colorado, stated that he has been carpenter and contractor in the Cripple Creek district since 1934; that he is kept busy at the present time and anticipated a large demand for lumber, cement, structural steel, and all types of building material, as soon as the gold order is rescinded; that the bulk of the lumber would have to come from mills all over the state wherever available; that structural steel, plate glass, and miscellaneous building materials, would come from Denver, Pueblo, and Colorado Springs, and cement from the two local plants in Colorado; that all this would have to be brought into the district by truck; that applicant was responsible and reliable, and there were no other responsible carriers in the territory who could be contacted. Witness felt there was a present need for this service which would be greatly increased with resumption of mining in Teller County.

Kenneth Beagels, Cripple Creek, Colorado, stated that he was in the grocery business and had been in operation since 1929; that there was a need for the transportation of fruit and vegetables in truckload lots; that they needed fruits from the Western Slope, potatoes from the San Luis Valley, and melons and onions from the Arkansas Valley; that this service was not available at this time, and it was badly needed.

Mr. Roy E. Wade, Cripple Creek, Colorado, Vice President and General Manager for applicant, testified, among other things, that they were not now in a position, under their present authority, to take care of certain transportation needs of Teller County; that his company desired to haul and transport mining and building materials for the general public, especially the independent operators not associated or affiliated with the Carlton interests; that there would be an urgent demand for this service after the war when the gold order is rescinded; that he would like to haul fruit from Western Slope, and vegetables from the San Luis and Arkansas Valleys; that he had no desire to enter into competition with Weicker Transfer and Storage Company or line haul carriers east on U. S. Highway No. 85; that he is willing to exclude household goods and live-

stock, lumber as to line haul carriers, and agrees not to pick up fruits and vegetables at either Pueblo or Denver destined for the Teller County area.

At this point in the discussion, Weicker Transfer and Storage Company withdrew their objection to the granting of the authority as now asked for.

Attached to the application and marked "Exhibit A" is a balance sheet disclosing the financial standing of applicant herein, and also attached to application is a list showing twenty pieces of equipment suitable for the service to be rendered, the same having been used heretofore in connection with applicant's operations under Certificate No. 1357.

The financial standing and operating dependability of applicant 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 should be granted as limited in the Order following.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require the extension of Certificate No. 1357 to include the transportation, on call and demand, of general commodities, except livestock and household goods, between points in Teller County, and to and from points in Teller County, from and to points in the State of Colorado, without the right to transport freight singly or in combination with other carriers between points on U. S. Highway No. 85 and points in Teller County served by line haul motor vehicle common carriers, especially including, but not limiting said restriction, to transportation of fruits and vegetables from Pueblo and Denver to points served by line haul motor vehicle common carriers in Teller County, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations

of this Commission within twenty (20) days from date.

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

This order is subject to compliance by applicant with all present and future laws and rules and regulations of 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 September, 1944.

mw

(Decision No. 22706)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF)
LYMAN HASS, BOX 63, SIMLA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 6686-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

- - - - - - - - -
Sept. 28, 1944.
- - - - - - - - -

Appearances: Edward Hastings, Esq., Eads, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

Applicant, a resident of Simla, Colorado, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of general freight from the Rock Island Railroad and Railway Express Company to merchants in the town of Simla; farm produce from farms within the trade area (25 miles) of Simla to mills in Simla, Colorado Springs and Denver; coal from the railroad to customers within the same trade area.

It appears from the testimony of applicant that he will have about fifty customers on his freight, and has been solicited by many farmers to haul farm products to Simla, Colorado Springs and Denver; that there is a demand for the delivery of coal from the railroad to farmers and residents of Simla. He further stated that he owned a 1½-ton Ford truck and a Chevrolet pickup; that he had at present a contract with the Railroad and Express Company, and that there was no other available service.

Lester Reeves, of Simla, Colorado, testified that the proposed service of Lyman Hass was needed by his customers in the community; that it was difficult to get a truck to make deliveries, and that if you did obtain one, you had to wait.

Applicant had other witnesses who were present and willing to testify as to the need for this service.

There was no protest lodged with the Commission, and 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 limited authority sought should be granted.

O R D E R

IT IS ORDERED:

That Lyman Hass, Box 63, Simla, 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 general freight from the Rock Island Railroad and Railway Express Company depot in Simla, to merchants in the town of Simla; farm produce from farms within the trade area (25 miles) of Simla, Colorado, to mills in Simla and to Colorado Springs; coal from railroad to customers within the same trade 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 28th day of September, 1944.

BH

(Decision No. 22707)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
E. A. McCLAIN, 641 SOUTH PEARL ST.,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6695-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

Sept. 28, 1944.

Appearances: E. A. McClain, 641 Pearl St., Denver, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Ralph Smith, Ordway, Colorado, pro se.

S T A T E M E N T

By the Commission:

E. A. McClain, of 641 South Pearl St., Denver, Colorado, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of buildings, including granaries and galvanized tanks, between points within a radius of 75 miles of Flagler, Colorado.

Applicant was his only witness, and he stated that he had many inquiries for moving houses, granaries, etc., and read an impressive list of persons within his territory who desired his services. He further stated that he had equipment for moving houses and granaries, including timbers, etc., together with a 1931 International truck; that he has had considerable experience in moving buildings and quite recently had been working under the Van Goodwin and Sons permit under some lease arrangement.

Mr. Fregeau, of Weicker Transfer and Storage Company, questioned the applicant at considerable length, and stated to the Commission, "We have no objection to the granting of the authority sought in this application."

Mr. Ralph Smith, of Ordway, who holds Permit No. B-2624, was also sworn. He stated that his permit called for operations within a radius of 150 miles of Ordway for the moving of buildings, and that his equipment was

idle part of the time. It was also disclosed that his operating headquarters were some 75 miles from Flagler.

The financial standing 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 authority, as limited, should be granted.

O R D E R

IT IS ORDERED:

That E. A. McClain, of 641 South Pearl Street, 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 buildings, including granaries, between points within a radius of seventy-five miles of Flagler, 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 September, 1944.

BH

(Decision No. 22708)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF WILLIAM R. SCHOENTHALER, 1551 NORTH TWELFTH STREET, GRAND JUNCTION, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6537-PP

Sept. 28, 1944.

Appearances: E. B. Adams, Esq., Grand Junction, Colorado, for applicant;
Cecil Haynie, Esq., Grand Junction, Colorado, for Oscar Redd and Redd Transportation Company, H. O. Gilbreath, G. W. Hawthorne and Gateway Stage Lines;
John C. Banks, Esq., Grand Junction, Colorado, for J. C. Barber and E. C. Pound.

S T A T E M E N T

By the Commission:

On December 29, 1943, William R. Schoenthaler, of 1551 North 12th St., Grand Junction, Colorado, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of livestock, farm products, coal and lumber, into, out of, and between points within a radius of 25 miles of Grand Junction, Colorado. The matter was set for hearing at Grand Junction, Colorado, on January 5, 1944.

At the hearing in Grand Junction, there was some discussion as to the authority desired by applicant, and applicant thereupon requested that the hearing be vacated and that he be granted the right to amend his application. The setting was vacated by the Commission, and on January 21, 1944, by Decision No. 21852, permission was granted to amend said application, or to request further hearing on the instant application.

Applicant later secured the service of E. B. Adams, Esq., an attorney of Grand Junction, Colorado, who asked for a temporary permit on June 24, 1944. The Commission, in the interim, had received a letter from Norish Finer Foods,

stating that they needed the service and that it was their plan to can apricots, peaches and apples, and that 75 per cent of their output is requisitioned by the Government. Upon the showing made, a temporary authority was issued by the Commission on June 27, 1944, to transport farm products from farms and orchards within a 25-mile radius of Grand Junction, Colorado, to canneries and processing plants.

On August 8, 1944, the application was heard by the Commission at Grand Junction, Colorado.

Mr. Earl Barber of Grand Junction, Colorado, stated that he is a contractor and builder; that due to housing shortages in Grand Junction, he is working on a reconversion program in cooperation with one of the Government programs, wherein he was wrecking old houses in certain areas where they were not needed, and moving the lumber to Grand Junction where they were building five-room houses. He stated further that the present facilities for handling his second-hand lumber were not adequate and the services of Schoenthaler were needed.

Homer C. Riggs, of Grand Junction, Colorado, who operates a lumber business and is one of the prominent businessmen of Western Colorado, testified that the lumber situation in and around Grand Junction was serious; that it was difficult to get trucks to haul lumber from the small mills situated in remote areas; that lumber was badly needed; that his business would use six loads a month and this need will continue for some time; that Schoenthaler was a good trucker and he felt his services were needed in the Grand Junction territory.

Len C. Harbert, who has been actively engaged in the lumber business for twenty-five years, also testified as to the need for native lumber and stated that prior to the war, the small mills made their own deliveries, but due to shortage of equipment and gasoline, they were not making deliveries now; that applicant had large enough equipment and should make the operation pay; that he had requested service from other carriers, but had not been able

to obtain satisfactory service.

John W. Robinson, a cattleman from Redlands, testified that he needed transportation for stock, hay and coal, and that he was unable to get trucks for this service; that he had contacted the Redd Transportation Company but they had failed to show up.

Mr. Thomas Kelly, a livestock man from near Fruita, stated that he needed service for hauling grain and was unable to obtain same; that due to bad and rough roads in his territory, truckers did not care to haul.

Mr. Schoenthaler, testifying in his own behalf, stated that he had two trucks, each of a rated capacity of 1½ tons, one a Ford V-8, the other an International, both in excellent shape; that he had many requests for the hauling of stock, lumber, and farm products; that he was now hauling for the Horn canning factory, which cans fruit under the trade name of "Norish Finer Foods"; that the fruit and tomatoes have to be hauled when they are ready for market; that in winter there is a demand for hauling of coal, and he desires to haul coal from wagon mines, especially during the winter months.

Mrs. Oscar Redd, the wife of Oscar Redd, who assists her husband in his trucking operation, testified that they have a large investment in equipment; that they have never refused a call; that they could do more business; that they generally have one idle truck, and she didn't think there was a need for the service. If it were conceded that adequacy of common carrier service was established, it did not appear that granting of authority here sought, will tend to impair efficiency of service furnished by such carriers.

It further appeared from the evidence that Grand Junction has had a substantial increase in population amd more business was going to the trucking industry due to the war effort.

After a careful consideration of the record, the Commission is of the opinion, and finds, that applicant, pecuniarily and otherwise, is qualified to carry on the operation; that it did not appear that common carrier service is adequate, or if adequate, that granting of the permit sought will tend to impair the efficiency of such service, and that the authority sought

should be granted.

O R D E R

IT IS ORDERED:

That William R. Schoenthaler, 1551 North 12th St., Grand Junction, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock, farm produce, coal and lumber, into, out of, and between points within a radius of twenty-five miles of Grand Junction, 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 September, 1944.

BH

(Decision No. 22709)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF DELTA COUNTY COOPERATIVE ASSOCIATION, 539 DODGE STREET, DELTA, COLORADO, FOR REINSTATEMENT OF PERMIT NO. B-2072 AND FOR TRANSFER OF SAME TO DAVE JOHNSON, DOING BUSINESS AS DELTA COUNTY COOPERATIVE ASSOCIATION, DELTA, COLORADO, SAID AUTHORITY TO COVER THE FOLLOWING COMMODITIES AND ROUTES: TRANSPORTATION OF BEER OVER U. S. HIGHWAYS 6, 50, and 285 FROM GOLDEN TO DELTA, COLORADO: FARM PRODUCE BETWEEN POINTS WITHIN A RADIUS OF FIFTY MILES OF DELTA, AND FROM AND TO SAID AREA TO AND FROM DENVER, COLORADO.	APPLICATIONS NOS. 6693-PP 4441-PP-A

Sept. 29, 1944.

Appearances: Dave Johnson, 539 Dodge St., Delta, Colorado, pro se;
A. J. Tait, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Dave Johnson, doing business as Delta County Cooperative Association, applicant herein, seeks authority to have Permit No. B-2072 reinstated and transferred to him. He also seeks authority to cover the following commodities and routes: Transportation of beer over U. S. Highways 6, 50 and 285 from Golden to Delta, Colorado, and farm produce between points within a radius of fifty miles of Delta and from and to points within said area to and from Denver, Colorado.

The files disclose that Permit No. B-2072 was originally issued to the Delta County Cooperative Association of Delta, Colorado, on the 16th day of February, 1938, by Decision No. 11447, granting authority to operate as a Class "B" private carrier by motor vehicle for hire for,-

> the transportation of canned goods in cases for the delta Canning Company, only, including the right to haul fruit to said Delta Canning Company plant at Delta, Colorado, all said service to be performed within a radius of fifty miles of Delta and for said Delta Canning Company only, and with the further right to make occasional trips with said canned goods in cases to Trinidad and Durango, Colorado.

The files further disclose that on May 17, 1940, by Decision No. 15403, Permit No. B-2072 was declared cancelled, as of May 8, 1940.

At the hearing held in Montrose on August 9, 1944, applicant, testifying in his own behalf, stated that he acquired this permit from the Delta County cooperative Association, together with other property; that he is the owner of a 1941 G.M.C. 2-ton truck; that he desired to haul beer from Golden to Delta, and farm produce within a radius of fifty miles of Delta, Colorado, and from and to said area to and from Denver; that he is equipped to handle the beer and had been hauling same for the Delta Coca Cola Company under some lease arrangement with them; that he is financially responsible and desired this authority. He further stated that he is equipped to haul farm produce, especially fruits for Delta Canning Company, and that the canning company was willing to give him a contract; that he had been solicited to haul other farm products by farmers and others, and that there was a demand for his proposed service.

E. S. Bartow, of the Delta County Canning Company, testified that his company was in need of service of applicant to haul fruits and vegetables from farms within a fifty-mile radius of the cannery, and that he could and would use his service during the canning season.

John W. Mack, who is in the feed and seed business, stated that a service was needed for farm produce within a fifty-mile area, and that he needed this proposed service.

Clarence Gallup, the proprietor of Delta Coca Cola Company, who is also a distributor of beer, stated that he would like to have the services of applicant for hauling beer from Golden to Delta. On cross-examination by protestant, he stated that he had never used the services

of the common carrier and was not familiar with said service, but desired someone who could haul beer on short notice.

Mr. A. J. Chase testified on behalf of protestants and stated the service Rio Grande Motor Way was prepared to give; that it is a common carrier and had refrigerator trucks especially equipped for the transportation of beer and like commodities; that it needed and desired this business and had ample equipment to provide adequate and satisfactory service for the transportation of beer from Golden to Delta. He further stated they had regular daily service and could serve the needs of the Coca Cola Company.

From the record and testimony, applicant asks for reinstatement or reissue of Permit No. B-2072, and for authority to transfer same from Delta County Cooperative Association, 539 Dodge St., Delta, Colorado, to Dave Johnson, doing business as Delta County Cooperative Association, 539 Dodge St., Delta, Colorado.

It further appears that Delta County Cooperative Association ceased to exist a few years ago and Dave Johnson took over some of the assets, including Permit No. B-2072, and upon his request, the permit was cancelled. (See Decision No. 15403 of the Commission).

Upon the records and showing made at the hearing, and especially the testimony of Mr. Gallup who stated he had not used common carrier service, the Commission is of the opinion, and finds, that common carrier service for the transportation of beer from Golden to Delta, is adequate, and that the granting of the extended authority herein sought would tend to impair the efficiency of said service.

The Commission further finds that question of reinstatement or reissuance of Permit No. B-2072 should be treated in the same manner as application would be treated if it were for authority in first instance; that it did not appear that authorized common carrier service, considering conditions brought about by the war, is inadequate, or that the reinstatement of said permit, if it were proper to do so after long period of time that

has elapsed since it was cancelled, is necessary to maintenance of civilian economy. It did appear that the granting of authority would tend to impair efficiency of present dommon carrier service. Said application to reinstate should be denied.

As to the transportation of farm produce between points within a radius of fifty miles of Delta, and from and to points in this area to and from Denver, the record possibly justifies granting applicant this authority, especially when you consider that no serious protests were made, and the Commission is of the opinion, and finds, that said authority should be granted.

O R D E R

IT IS ORDERED:

That that portion of applicant's petition requesting reinstatement, transfer and extension of Permit No. B-2072, be, and the same hereby is, denied.

That Dave Johnson, 539 Dodge Street, Delta, 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, between points within a radius of fifty miles of Delta, 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 29th day of September, 1944.

BH

Original

Decision No. 22710

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

September 30, 1944

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by Law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Willard Allen, 3424 Azel Avenue, Ft. Worth, Texas
Gay Campbell, Julesburg, Colorado
C. E. Clayton, Fraser, Colorado
Art Cooney, Ogallala, Nebraska
Theodore B. Counselman, Jr., Box 15, Evergreen, Colorado
George Fergus, Hastings, Nebraska
Medley Gearhart, Palisade, Colorado
E. Gilder, Monte Vista, Colorado
W. C. Hampton, Kirwin, Kansas
Thomas Hood, Ogallala, Nebraska
C. A. Humphrey, Box 185, Deerfield, Kansas
Art Kashwer, Tahlequah, Oklahoma

L. E. Kennedy, Colorado Springs, Colorado
[redacted]
Francis Maerz, 617 So. Shartel, Oklahoma City, Oklahoma
Raymond McWhirter, Texhoma, Oklahoma
L. B. Painter, Brownell, Kansas
David Patterson, Philadelphia, Pennsylvania
D. D. Petty, Dallas, Texas
M. E. Puett, Los Angeles, California
Floyd D. Putt, Box 166, Mineral Wells, Texas
W. R. Reynolds, 848 Hartford Place, Atlanta, Georgia
P. Roehr
H. O. Sauer, Byers, Colorado
Carl Scamehorn, York, Nebraska
E. A. Shaffer, Colorado Springs, Colorado
C. W. Sheffield, 518 W. Broadway, Fairview, Oklahoma
M. I. Spencer, Avalon Acres, Cheyenne, Wyoming
Grady Stevens, 1050 Murphy Avenue, Atlanta, Georgia
Ray Stull, Hemingford, Nebraska
Trailer Transport, Poplar Street, Flint, Michigan
Levin Ware, Fargo, Oklahoma
Paul E. Wells, dba Wells Motor Company, 1108 - 8th Avenue, Greeley, Colorado
Rayne Wise, Akron, Colorado
Bob Witman, Route, Jetmore, Kansas
Walter Wurtele, 602½ Central Avenue, Nebraska City, Nebraska

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as commercial carriers by Motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 10th day of October, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. R. Kramer

[illegible]

Ralph C. Horton
Commissioners

Attest:

_____
Secretary

DATED at Denver, Colorado
this 30th day of September, 1944.

(Decision No. 22711)

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARVIN P. JACKSON, J. PERRY JACKSON,)
AND EDWARD E. DRAPELA, GRAND JUNC-) APPLICATION NO. 6424
TION, COLORADO, FOR A CERTIFICATE OF) SUPPLEMENTAL ORDER
PUBLIC CONVENIENCE AND NECESSITY.)

October 3, 1944

Appearances: Lincoln D. Coit, Esq., Grand Junction, Colorado, for applicants;
Don Robertson, Esq., Denver, Colorado, for Mountain States Aviation, Inc.;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
S. Arthur Henry, Esq., Denver, Colorado, for Ray Wilson, Inc.;
E. B. Evans, Esq., Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

STATEMENT

By the Commission:

By Decision No. 22503, entered July 20, 1944, applicants were granted certain operating rights for transportation by air between certain points in Colorado.

This Order provided that applicants were required to institute service on or before the first day of October, 1944.

The Commission is now in receipt of a letter from Lincoln D. Coit, Attorney for applicants, under date of September 16, 1944, stating that applicants have filed application with the Civil Aeronautics Board, asking for interstate authority, and that the type of operation to be carried on by applicants and the type of equipment to be used will be greatly affected in the event interstate authority is granted, in that under such conditions, larger equipment and increased personnel will be demanded and schedules will be altered. The letter further states that extreme hardship will result to applicants, and confusion will be caused to the traveling public, if applicants are forced to start operations prior to the time authority is granted to applicants by the Civil Aeronautics Board.

While the Commission does not feel that the requirements as to the time of institution of service should necessarily be extended to the time

that decision may be rendered by the Civil Aeronautics Board, inasmuch as the authority granted by this Commission was purely intrastate authority and was issued without regard to any proposed interstate operations, yet, the Commission does feel under the circumstances that the additional ninety days requested by applicants within which to institute service is, under present circumstances, a reasonable request.

The Commission finds that that portion of the Order contained in Decision No. 22503 above referred to which reads as follows:

> "Applicants are hereby required to institute service on or before the 1st day of October, 1944."

should be amended to read as follows:

> "Applicants are hereby required to institute service on or before the 1st day of February, 1945."

O R D E R

IT IS ORDERED:

That that portion of the Order contained in Decision No. 22503 which reads as follows:

> "Applicants are hereby required to institute service on or before the 1st day of October, 1944."

is hereby amended to read as follows:

> "Applicants are hereby required to institute service on or before the 1st day of February, 1945."

That except as herein amended, and as amended by Decision No. 22669, said Decision No. 22503 shall remain in full force and effect.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of October, 1944.

mw

(Decision No. 22712)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
W. C. CUNNINGHAM, WALDEN, COLORADO,) APPLICATION NO. 6702
FOR A CERTIFICATE OF PUBLIC CON-)
CENIENCE AND NECESSITY.)

Oct. 5, 1944.

Appearances: George J. Bailey, Esq., Walden, Colorado, for applicant.

S T A T E M E N T

By the Commission:

W. C. Cunningham, of Walden, Colorado, the applicant herein, seeks a certificate of public convenience and necessity authorizing the transportation of passengers and their baggage by motor vehicle - taxi service - from any points in Jackson County, Colorado, to any other point or place within said Jackson County, Colorado.

The matter was set for hearing, and heard, at Walden, Colorado, on September 21, 1944, with no objections interposed to the granting of the certificate sought.

The evidence disclosed that there is a rail service from Laramie, Wyoming, to Coalmont, Colorado, tri-weekly, via Cowdrey and Walden; that there is a daily bus service from Fort Collins, Colorado, via Laramie, Wyoming, through Cowdrey to Walden; that Mountain States Aviation, Inc., has a daily service to Walden; that there is no way for persons arriving by train, bus or air to be transported to the ranches, mines, oil wells, logging camps, other towns or points in Jackson County to which they wish to go.

Applicant testified that he is the owner and operator of a garage in Walden and had numerous demands for this service, especially for service from airport to Walden, said airport being located some two miles north of the town of Walden. He further testified that he owned a station wagon which

he would use for this service if granted the authority sought.

Earl M. Harris, president of the North Park Transportation Company and also president of the Denver-Laramie-Walden Truck Line, who is at present operating in Jackson County, testified as to the need for this service, especially for those passengers arriving by plane and bus.

After careful consideration of the record, the Commission is of the opinion, and finds, that, pecuniarily and otherwise, applicant is qualified to conduct the operation; that the public convenience and necessity require his proposed taxi service, and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require the motor vehicle common carrier taxi service of W. C. Cunningham, applicant herein, for the transportation, on call and demand, of passengers and their baggage between points within Jackson County, Colorado, 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 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

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1944.

BH

(Decision No. 22713)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
EARL M. HARRIS, DOING BUSINESS AS)
North Park Transportation Company,)
1940 Blake Street, DENVER, COLORADO,) APPLICATION NO. 6672-A
TO TRANSFER AUTHORITY GRANTED IN)
APPLICATION NO. 6672 TO NORTH PARK)
TRANSPORTATION COMPANY, A CORPORA-)
TION, WALDEN, COLORADO.)

October 5, 1944.

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

On August 5, 1944, there was issued to Earl M. Harris, doing business as "North Park Transportation Company", by virtue of Decision No. 22574 of this Commission, a certificate of public convenience and necessity authorizing the transportation, on call and demand,-

> "of freight, excluding, however, household goods and heavy machinery requiring special equipment, but not excluding emigrant moveables, from point to point within Jackson County, Colorado, and between points in Jackson County and all other points and places in the State of Colorado."

At the hearing, which was held in Walden, Colorado, on September 21, 1944, the evidence disclosed that since the issuance of said Decision No. 22574 by the Commission, the said Earl M. Harris, together with Neal Winscom and Truman A. Stockton, Jr., has organized a corporation, the articles of which corporation were filed with the Secretary of State of the State of Colorado on August 14, 1944, and that the name of said corporation is North Park Transportation Company.

The evidence further disclosed that said corporation was formed for the purpose of assuming ownership and operation of said certificate. Evidence was introduced as to the financial standing of transferee and its

acquisition of buildings to be used as general offices, garage and loading docks for the improvement of service. The financial standing and operating reliability of transferee were established to the satisfaction of the Commission.

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

After careful consideration of the record and the evidence, 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 Earl M. Harris, doing business as North Park Transportation Company, 1940 Blake St., Denver, Colorado, be, and he hereby is, authorized to transfer all of his right, title and interest in and to authority granted in Application No. 6672, by virtue of Decision No. 22574, to North Park Transportation Company, a Corporation, Walden, Colorado.

That the ton-mile tax deposit of transferor shall be transferred and credited to the account of transferee herein.

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 October, 1944.

BH

(Decision No. 22714)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE TRENTMAN-MILNER COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A DOMESTIC WATER SYSTEM IN ADAMS COUNTY, COLORADO, TO BE KNOWN AS "THE NORTH FEDERAL WATER SYSTEM."

APPLICATION NO. 6562

October 5, 1944

Appearances: Lee, Shaw & McCreery and Chas. J. Kelly, Attorneys at Law, Denver, Colorado, for Applicant;
Darwin D. Coit, Attorney at Law, Denver, Colorado, for Sam H. Schaefer, doing business as Schaefer Water Company;
Glenn G. Saunders, Attorney at Law, Denver, Colorado, for the Board of Water Commissioners of the City and County of Denver;
E. B. Evans, Attorney at Law, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On October 3, 1944, this matter came on for hearing upon an order issued by this Commission (Decision No. 22594) requiring the applicant above named to show cause as to why Decision No. 22124 should not be amended so as to include all of Hillsboro Subdivision, being the Southeast Quarter of the Southwest Quarter of Section 5, Township 3 South, Range 68 West, Sixth P. M.

The attorney for the Commission informed the Commission that said Decision No. 22124 was correct and in accordance with the evidence introduced at the hearing of the above application.

The Commission therefore finds, upon the representation thus made, that the proceeding heretofore commenced under Decision No. 22594 should be dismissed.

O R D E R

IT IS ORDERED:

That the order to show cause, Decision No. 22594, in the above-entitled matter, be, and the same hereby is, dismissed, without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 5th day of October, 1944.

Commissioners.

(Decision No. 22715)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF NELLIE ADAMS, GENERAL DELIVERY, OGDEN, UTAH, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 1198 TO W. P. REES, 1832-14TH STREET, BOULDER, COLORADO.

APPLICATIONS NOS. 255AA-BABA
576AA-BABA

October 4, 1944

Appearances: Wm. O. DeSouchet, Esq., Boulder, Colorado, for applicants;
E. B. Evans, Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

At the time of the hearing of the above-entitled application, it was orally stipulated by and between the attorney for applicant and the attorney for the Commission that the Commission might, in its order, clarify the applicant's authority by prohibiting the picking up and discharging of passengers between Alps Lodge and the Power Plant located on Highway No. 119.

Through an oversight, this limitation was omitted from Decision No. 22615. The attorney for applicants and the attorney for the Commission, being the only parties whose appearances were entered at the hearing of said application, have entered into a written stipulation on file herein, in which it is provided that said Decision No. 22615 may be amended to show the limitation above set out.

The Commission therefore finds that Decision No. 22615 should be amended by inserting the paragraph hereinafter set out in the order part hereof.

O R D E R

IT IS ORDERED:

That Decision No. 22615, dated August 17, 1944, shall be amended by inserting in the order part thereof a paragraph reading as follows:

> "(4) In the operation of the taxicab service mentioned in paragraph (3) hereof, the said W. P. Rees shall not pick up or discharge any passengers at any point between the Alps Lodge and the Power Plant located on Highway No. 119."

That this order shall be effective from and after the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

DATED this 4th day of
October, 1944, at
Denver, Colorado.

(Decision No. 22716)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF AUGUST WOOD, GOULD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF TIMBER FROM GOULD TO WALDEN, OVER STATE HIGHWAY NO. 14.	)	APPLICATION NO. 6703-PP

October 5, 1944.

Appearances: Truman A. Stockton, Esq., Denver, Colorado, for Denver-Laramie-Walden Truck Line, Inc., and North Park Transportation Company.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Walden, Colorado, on September 21, 1944, due notice of the time and place of 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.

Thereupon, Truman A. Stockton, Jr., Esq., on behalf of Denver-Laramie-Walden Truck Line, Inc., and North Park Transportation Company, moved that said application be dismissed for lack of prosecution.

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

O R D E R

IT IS ORDERED:

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

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 5th day of October, 1944.
BH

(Decision No. 22717)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE HIGHWAY DEPARTMENT FOR)
CHANGE IN LOCATION OF A GRADE)
CROSSING ON HIGHWAY NO. 62 OVER THE) APPLICATION NO. 6722
RIO GRANDE SOUTHERN RAILROAD TRACKS)
FROM M. P. 17.791 TO M. P. 17.784.)

October 7, 1944

S T A T E M E N T

By the Commission:

On August 31, 1944, the Commission received a letter from the State Highway Department which is hereby designated as Application No. 6722, requesting authority to move the grade crossing over the tracks of the Rio Grande Southern Railroad at Mile Post 17.791 to Mile Post 17.784 on account of the reconstruction of Highway No. 62 at that point, in a project designated as A I-108-H.(1).

The application stated that the new location of the crossing will afford a better field of view than the view at the old location.

Therefore, since the change of location is only about 140 feet, the interests of anyone concerned will not be affected, and since it appears the safety of the crossing will be improved by better visibility, the Commission finds that the application should be approved without any further proceedings in the matter, and will now make it Order accordingly.

O R D E R

IT IS THEREFORE ORDERED:

That in compliance with Section 29 of the Public Utilities Act, as amended, the public crossing, at grade, at Mile Post 17.791 of the Rio Grande Southern Railroad, be, and is hereby permitted to be moved to Mile Post 17.784 by the State Highway Department for the purpose stated herein; provided, however, that prior to the opening of the said crossing to public

travel in the new location, it shall be constructed in accordance with the plans and specifications of the Commission as provided in Case No. 879.

That all the expense involved in the change in location of said crossing shall be borne by the said State Highway Department from such funds as may be available to it for this purpose.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of October, 1944.

mw

(Decision No. 22718)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WESLEY McCOID, OF ROUTE 3,)
MONTROSE, COLORADO.) PERMIT NO. C-14627
)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Wesley McCoid of Montrose, Colorado, requesting that his Permit No. C-14627 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-14627, heretofore issued to Wesley McCoid, be, and the same is hereby, declared cancelled effective August 25, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1944

R

(Decision No. 22719)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF H. S. RILEY, OF WILLS POINT, TEXAS.

PERMIT NO. C-14841

October 9, 1944

STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. S. Riley of Wills Point, Texas, requesting that his Permit No. C-14841 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. C-14841, heretofore issued to H. S. Riley, be, and the same is hereby, declared cancelled effective August 5, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 1944

R

(Decision No. 22720)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. E. HINKLE, OF 656 RALEIGH) PERMIT NO. C-15076
STREET, DENVER, 4, COLORADO.)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. E. Hinkle of Denver, Colorado, requesting that his Permit No. C-15076 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-15076, heretofore issued to A. E. Hinkle, be, and the same is hereby, declared cancelled effective August 21, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Silverman

Walcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 19 44

r

(Decision No. 22721)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
COLORADO TRUCK & IMPLEMENT)
COMPANY. (A. J. Berkshire).) PERMIT NO. C-15167
)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. J. Berkshire, doing business as Colorado Truck & Implement Co. of Rocky Ford, Colorado, requesting that his Permit No. C-15167 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-15167, heretofore issued to A. J. Berkshire, doing business as Colorado Truck & Implement Co. be, and the same is hereby, declared cancelled effective August 10, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Palozzari

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22722)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALBERT ROSELER, OF 517 - 15th) PERMIT NO. C-15227
ST., BOULDER, COLORADO.)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Albert Roseler of Boulder, Colorado, requesting that his Permit No. C-15227 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-15227, heretofore issued to Albert Roseler, be, and the same is hereby, declared cancelled effective August 27, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry O. Johnson

Malcom Ericksson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44.

R

(Decision No. 22723)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. E. ADAMS LUMBER COMPANY, OF) PERMIT NO. C-14067
SPRINGER, NEW MEXICO.)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the R. E. Adams Lumber Company of Springer, New Mexico, requesting that his Permit No. C-14067 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-14067, heretofore issued to the R. E. Adams Lumber Company, be, and the same is hereby, declared cancelled effective August 16, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Malcom Erickson

Ralph C. Hurlbert

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22724)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE HIGBY MERCANTILE COMPANY.)
) PERMIT NO. C-8130
)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Higby Mercantile Company of Monument, Colorado, requesting that his Permit No. C-8130 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-8130, heretofore issued to the Higby Mercantile Company, be, and the same is hereby, declared cancelled effective August 24, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thorman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

(Decision No. 22725)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF C. G. SNELLING, OF 239 LINDEN ST., FORT COLLINS, COLORADO.

PERMIT NO. C-15149

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. G. Snelling of Fort Collins, Colorado, requesting that his Permit No. C-15149 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-15149, heretofore issued to C. G. Snelling, be, and the same is hereby, declared cancelled effective September 12, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 19 44

R

(Decision No. 22726)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. S. BAKER, OF 957 SO.)
CLARKSON, DENVER, COLORADO.) PERMIT NO. C-15377
)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. S. Baker of Denver, Colorado, requesting that his Permit No. C-15377 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-15377, heretofore issued to L. S. Baker, be, and the same is hereby, declared cancelled effective September 15, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22727)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HERBERT F. W. HINTZE, OF)
OF 531 EMERSON ST., DENVER,) PERMIT NO. C-14066
3, COLORADO.)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Herbert F. W. Hintze of Denver, Colorado, requesting that his Permit No. C-14066 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-14066, heretofore issued to Herbert F. W. Hintze be, and the same is hereby, declared cancelled effective June 15, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1944

(Decision No. 22728)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
AMERICAN FURNITURE COMPANY, OF)
209 N. MAIN ST., PUEBLO, COLO.) PERMIT NO. C-3787
)
)
.....)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the American Furniture Company of Pueblo, Colorado, requesting that his Permit No. C-3787 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-3787, heretofore issued to the American Furniture Company, be, and the same is hereby, declared cancelled effective August 24, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Malcom Ericson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22729)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CHARLES B. DALE, OF GREGORY,) PERMIT NO. C-4174
SOUTH DAKOTA.)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles B. Dale of Gregory, South Dakota, requesting that his Permit No. C-4174 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-4174, heretofore issued to Charles B. Dale, be, and the same is hereby, declared cancelled effective August 26, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22730)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. G. BROWN LUMBER AND HARDWARE)
COMPANY, OF 336 S. SANTA FE,) PERMIT NO. C-4943
PUEBLO, COLORADO.)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the W. G. Brown Lumber and Hardware Co. of Pueblo, Colorado, requesting that his Permit No. C-4943 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-4943, heretofore issued to the W. G. Brown Lumber & Hardware Company, be, and the same is hereby, declared cancelled effective September 5, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Malcom Ericsson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22751)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD F. REDIESS, OF)
EDINBURG, TEXAS.) PERMIT NO. C-6041
)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edward F. Rediess of Edinburg, Texas, requesting that his Permit No. C-6041 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-6041, heretofore issued to Edward F. Rediess, be, and the same is hereby, declared cancelled effective August 26, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

(Decision No. 22732)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WHITE KING SOAP CO., OF) PERMIT NO. C-6646
186 WAZEE ST., DENVER, 2, COLO.)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the White King Soap Company of Denver, Colorado, requesting that his Permit No. C-6646 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-6646, heretofore issued to the WhiteKing Soap Company, be, and the same is hereby, declared cancelled effective August 15, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry R. Thorman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this day of , 19

(Decision No. 22733)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. A. GRITTON, OF 420 PLATTE)
STREET, STERLING, COLORADO.) PERMIT NO. C-7664
)
)
.....)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. A. Gritton of Sterling, Colorado, requesting that his Permit No. C-7664 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-7664, heretofore issued to G. A. Gritton, be, and the same is hereby, declared cancelled effective August 12, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Silverman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22734)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. L. CLARK, OF 2638 W. 35th AVE., DENVER, 11, COLO.) PERMIT NO. C-9865
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. L. Clark of Denver, Colorado, requesting that his Permit No. C-9865 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-9865, heretofore issued to W. L. Clark, be, and the same is hereby, declared cancelled effective August 24, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22735)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY BOULDIN AND J. R. WALPOLE,)
OF 511 S. ELLISON, OKLAHOMA)
CITY, OKLAHOMA.)
)

PERMIT NO. C-10303

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Roy Bouldin and J. R. Walpole of Oklahoma City, Oklahoma, requesting that his Permit No. C-10303 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-10303, heretofore issued to Roy Bouldin and J. R. Walpole, be, and the same is hereby, declared cancelled effective August 13, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22736)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MILO B. SMITH, OF DIXON, WYO.)
) PERMIT NO. C-13135
)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Milo B. Smith of Dixon, Wyoming, requesting that his Permit No. C-13135 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-13135, heretofore issued to Milo B. Smith, be, and the same is hereby, declared cancelled effective August 28, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 44

R

(Decision No. 22737)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
TED REFFEL, OF 3725 FRANKLIN) PERMIT NO. C-11952
STREET, DENVER, 5, COLORADO.)
)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ted Reffel of Denver, Colorado,

requesting that his Permit No. C-11952 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-11952, heretofore issued to Ted Reffel, be, and the same is hereby, declared cancelled effective August 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Sherman

Theodore Ericson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 19 44

R

(Decision No. 22738)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GREAT WESTERN PRODUCE CO.,)
730 WASHINGTON ST., DENVER, 3,) PERMIT NO. C-15414
COLORADO.)
)

October 9, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Great Western Produce Co. of Denver, Colorado, requesting that his Permit No. C-15414 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-15414, heretofore issued to the Great Western Produce Co., be, and the same is hereby, declared cancelled effective September 18, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thorneau

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 1944

R

(Decision No. 22759)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE GIBSON LUMBER COMPANY,)
CANON CITY, COLORADO.) PERMIT NO. C-3846
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Gibson Lumber Company of Canon City, Colorado, requesting that his Permit No. C-3846 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-3846, heretofore issued to the Gibson Lumber Company, be, and the same is hereby, declared cancelled effective September 19, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22740)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE R. BURGEDORFF, d/b/a)
GREEN MOUNTAIN TIMBER COMPANY.,)
OF BUFFALO CREEK, COLORADO.)
)
)

PERMIT NO. C-5509

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George R. Burgedorff d/b/a Green Mountain Timber Company of Buffalo Creek, Colorado, requesting that his Permit No. C-5509 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-5509, heretofore issued to George R. Burgedorff, doing business as Green Mountain Timber Co., be, and the same is hereby, declared cancelled effective September 23, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Harry O. Bloxham

Malcolm Ericksen

/s/ Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44.

R

(Decision No. 22741)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ADA AND SYLVIA GERTZ, DOING)
BUSINESS AS CUSTOM ORE HAULERS.) PERMIT NO. C-9497
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ada and Sylvia Gertz, doing business as Custom Ore Haulers of 1300 Glenarm Pl., Denver, 2, Colo. requesting that his Permit No. C-9497 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-9497, heretofore issued to Ada and Sylvia Gertz, doing business as Custom Ore Haulers, be, and the same is hereby, declared cancelled effective September 5, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Palmer

Malcom Erickson

Ralph C. Hartman

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22742)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF FRED W. AND OLA D. SIMPSON, DOING BUSINESS AS SIMPSON & COMPANY, of 413 MINING EXCHANGE BLDG., COLORADO SPRINGS, COLO.

PERMIT NO. C-14489

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred W. and Ola D. Simpson d/b/a Simpson & Co., of Colorado Springs Colorado, requesting that his Permit No. C-14489 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-14489, heretofore issued to Fred W. and Ola D. Simpson d/b/a Simpson & Company, be, and the same is hereby, declared cancelled effective August 19, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 1944

R

(Decision No. 22743)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FRANK TECKER, OF PARKS, NEBRASKA; PERMIT NO. C-14331
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Tecker of Parks, Nebraska, requesting that his Permit No. C-14331 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-14331, heretofore issued to Frank Tecker, be, and the same is hereby, declared cancelled effective August 13, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry O. Thorman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 1944

R

(Decision No. 22744)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CLARENCE AUSTIN, JR., OF BOX 91, CEDAREDGE, COLORADO.) PERMIT NO. C-14321
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clarence Austin, Jr. of Cedaredge, Colorado,

requesting that his Permit No. C-14321 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-14321, heretofore issued to Clarence Austin, Jr., be, and the same is hereby, declared cancelled effective August 15, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thorman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22745)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. DON L. WITHERS, OF 618)
WHIPPLE, CANON CITY, COLORADO.) PERMIT NO. C-14557
)
)
.....)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Don L. Withers of Canon City, Colorado, requesting that his Permit No. C-14557 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-14557, heretofore issued to Don L. Withers, be, and the same is hereby, declared cancelled effective July 30, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Ericson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 19 44

R

(Decision No. 22746)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. W. SAYLER, DOING BUSINESS AS)
SAYLER OIL COMPANY, OF LAMAR,) PERMIT NO. C-785
COLORADO.)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Arthur C. Gordon, Esq., Attorney for Sayler Oil Company of Lamar, Colorado, requesting that his Permit No. C-785 be cancelled., as J. W. Sayler, doing business as Sayler Oil Company, is now deceased.

After 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-785, heretofore issued to J. W. Sayler, doing business as Sayler Oil Company, be, and the same is hereby, declared cancelled effective August 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Thaleon Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22747)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WESTERN SLOPE AUTO COMPANY, OF)
MAIN STREET & SECOND, OF) PERMIT NO. C-2179
GRAND JUNCTION, COLORADO.)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Western Slope Auto Company of Grand Junction, Colorado, requesting that his Permit No. C-2179 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-2179, heretofore issued to the Western Slope Auto Company, be, and the same is hereby, declared cancelled effective August 29, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22748)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM D. BURTON, OF BYERS,)
COLORADO.) PERMIT NO. C-2592
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sam D. Burton of Byers, Colorado, requesting that his Permit No. C-2592 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-2592, heretofore issued to Sam D. Burton, be, and the same is hereby, declared cancelled effective September 20, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thoreau

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 19 44

R

(Decision No. 22749)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF L. H. WALLIS AND W. E. KELLOGG, SR., WALLIS-KELLOGG COMPANY, OF 160 WEST ALASKA PL., DENVER, 9, COLORADO.

PERMIT NO. C-2961

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. W. Wallis and W. E. Kellogg d/b/a Wallis-Kellogg Co. of Denver, Colorado, requesting that his Permit No. C-2961 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-2961, heretofore issued to L. H. Wallis and W. E. Kellogg, Sr., d/b/a Wallis-Kellogg Co., be, and the same is hereby, declared cancelled effective September 13, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19.44

R

(Decision No. 22750)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. R. ASNICAR, OF 320 DENVER) PERMIT NO. C-14581
STREET, STERLING, COLORADO.)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. R. Asnicar of Sterling, Colorado, requesting that his Permit No. C-14581 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-14581, heretofore issued to A. R. Asnicar, be, and the same is hereby, declared cancelled effective September 11, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22751)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. F. JACKSON, OF BOX 44, CRIPPLE CREEK, COLORADO.) PERMIT NO. C-14948

Oct. 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. F. Jackson of Cripple Creek, Colorado, requesting that his Permit No. C-14948 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-14948, heretofore issued to C. F. Jackson, be, and the same is hereby, declared cancelled effective September 10, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Palmer

Walton Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22752)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HERMAN SIMMS, OF ALVA, OKLA.) PERMIT NO. C-15234
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Herman Simms of Alva, Oklahoma, requesting that his Permit No. C-15234 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-15234, heretofore issued to Herman Simms, be, and the same is hereby, declared cancelled effective September 12, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry A. Alberson

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

(Decision No. 22755)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN H. SNYDER, OF 137 SO.) PERMIT NO. C-15196
WHEATLAND AVE., COLUMBUS, 4,)
OHIO.)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John H.Snyder of Columbus, Ohio,

requesting that his Permit No. V C-15196 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-15196, heretofore issued to John H. Snyder, be, and the same is hereby, declared cancelled effective September 6, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22754)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. A. MURKE, OF 432 NORTH)
3rd ST., STERLING, COLORADO.) PERMIT NO. C-630
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. A. Murke of Sterling, Colorado, requesting that his Permit No. C-630 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-630, heretofore issued to F. A. Murke, be, and the same is hereby, declared cancelled effective August 18, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22755)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD AND OTTO ZINKO, OF)
823 W. 7th, WALSENBURG,) PERMIT NO. C-8490
COLORADO.)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harold and Otto Zinko of Walsenburg, Colorado, requesting that his Permit No. C-8490 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-8490, heretofore issued to Harold and Otto Zinko, be, and the same is hereby, declared cancelled effective September 6, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry R. Silsbee

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 1944

R

(Decision No. 22756)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
BERT LANSAW, ROUTE 2,) PERMIT NO. C-14562
JOPLIN, MISSOURI.)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Bert Lansaw of Route 2, Joplin, Missouri, requesting that his Permit No. C-14562 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-14562, heretofore issued to Bert Lansaw, be, and the same is hereby, declared cancelled effective August 24, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44.

(Decision No. 22757)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
NORRIS E. REED, OF MONTIBELLO,) PERMIT NO. C-14643
CALIFORNIA.)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Norris E. Reed of Montibello, California, requesting that his Permit No. C-14643 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-14643, heretofore issued to Norris E. Reed, be, and the same is hereby, declared cancelled effective August 26, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thorman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 1944

(Decision No. 22758)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF O. E. KOLB, DOING BUSINESS AS THE TEXAS COMPANY, OF RATON, NEW MEXICO.

PERMIT NO. C-14918

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from O. E. Kolb, doing business as the Texas Co. of Raton, New Mexico, requesting that his Permit No. C-14918 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-14918, heretofore issued to O. E. Kolb, doing business as the Texas Company, be, and the same is hereby, declared cancelled effective September 6, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thoreau

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 1944

R

(Decision No. 22759)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF CLINTON & HELD COMPANY, UNION TERMINAL STATION, P O BOX 5146, DENVER, COLORADO.

PERMIT NO. C-3697

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Clinton & Held Company of Denver, Colorado, requesting that his Permit No. C-3697 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-3697, heretofore issued to the Clinton & Held Company, be, and the same is hereby, declared cancelled effective September 12, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thorman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 1944

R

(Decision No. 22760)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF B. R. SCOTT, OF DURANGO, COLORADO.) PERMIT NO. C-5617

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from B. R. Scott of Durango, Colorado, requesting that his Permit No. C-5617 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-5617, heretofore issued to B. R. Scott, be, and the same is hereby, declared cancelled effective August 10, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry A. Thorman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

(Decision No. 22761)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DALE, ROBERT AND EARL)
KENNEDY, OF 5032 FILLMORE) PERMIT NO. C-11642
ST., DENVER, 16, COLORADO.)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Dale, Robert and Earl Kennedy of Denver, Colorado, requesting that his Permit No. C-11642 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11642, heretofore issued to Dale, Robert and Earl Kennedy, be, and the same is hereby, declared cancelled effective September 29, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry R. Silsbee

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22762)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
INDUSTRIAL SUPPLY COMPANY, OF) PERMIT NO. C-14029
959 WALNUT ST., BOULDER, COLO.)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Industrial Supply Company of Boulder, Colorado, requesting that his Permit No. C-14029 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-14029, heretofore issued to the Industrial Supply Company, be, and the same is hereby, declared cancelled effective September 16, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry R. Johnson

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22765)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. E. ROWNTREE, OF P O BOX 1891,)
ABILENE, TEXAS.) PERMIT NO. C-14418
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. E. Rowntree of Abilene, Texas, requesting that his Permit No. C-14418 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-14418, heretofore issued to E. E. Rowntree, be, and the same is hereby, declared cancelled effective September 29, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 19 44

R

(Decision No. 22764)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF J. W. HILL, 1201 JONES STREET, FORT WORTH, TEXAS.	)))	CASE NO. 31318-Ins. PERMIT NO. C-13476.

October 11, 1944

S T A T E M E N T

By the Commission:

On September 28, 1944, Commercial Carrier Permit No. C-13476 was revoked by the Commission for failure to have on file the necessary insurance required by law.

It now appears that said insurance was in effect and filed, but through error of the Insurance Agent in making out certificate in a trade name only, and with a wrong address, was not properly credited to the above permit.

Since it appears that the necessary insurance required by law and our rules and regulations was effective at all times and no lapse occurred in connection with same, and that correct and effective insurance certificate is now on file with the Commission, the Commission is of the opinion, and finds, that the request of permit holder for reinstatement of permit should be granted.

O R D E R

IT IS ORDERED:

That our order dated September 28, 1944, be, and the same is hereby, set aside, and said permit No. C-13476 be, and the same is hereby, reinstated, effective September 28, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 11th day of October, 1944.

Commissioners

mw

(Decision No. 22765)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. L. CRABTREE, 2625 CAITHNESS)
PLACE, DENVER 11, COLORADO.)
)
)
)

PERMIT NO. B-3025

October 11, 1944

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. L. Crabtree of Denver, Colorado, requesting that his Permit No. B-3025 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. B-3025, heretofore issued to E. L. Crabtree, be, and the same is hereby, declared cancelled effective September 30, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 1944

F

(Decision No. 22766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TONY CASTILLO, 2732 W. COLFAX)
AVENUE, DENVER 4, COLORADO.) PERMIT NO. B-2885
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tony Castillo of Denver 4, Colorado, requesting that his Permit No. B-2885 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-2885, heretofore issued to Tony Castillo, be, and the same is hereby, declared cancelled effective October 2, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 1944

F

(Decision No. 22767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CASS GRIEGO, LA VETA, COLORADO.) PERMIT NO. C-15304
)
)
.....)

OCTOBER 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from CASS GRIEGO of LA VETA, COLORADO, requesting that his Permit No. C-15304 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-15304, heretofore issued to CASS GRIEGO be, and the same is hereby, declared cancelled effective September 27, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thoreau

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

F

(Decision No. 22768)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND O'DELL, WALDEN, COLO.)
) PERMIT NO. C-15177
)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Raymond O'Dell of Walden, Colorado, requesting that his Permit No. C-15177 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-15177, heretofore issued to Raymond O'Dell, be, and the same is hereby, declared cancelled effective October 2, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry C. Thomas

Madeline Emerson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 1944

F

(Decision No. 22769)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. D. BRAINERD, DOING BUSINESS)
AS DERBY LUMBER & SUPPLY COMPANY,) PERMIT NO. C-15129
400 SOUTH AMES STREET, DENVER,14)
COLORADO.)
.....)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. D. Brainerd, dba Derby Lumber & Supply Company of Denver 14, Colorado, requesting that his Permit No. C-15129 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-15129, heretofore issued to C. D. Brainerd, dba Derby Lumber & Supply Company, be, and the same is hereby, declared cancelled effective September 16, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thoreau

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 1944

F

(Decision No. 22770)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WALTER B. HARDY, 1909 E. 9th ST.) PERMIT NO. C-13868
PUEBLO, COLORADO.)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Walter B. Hardy of Pueblo, Colorado, requesting that his Permit No. C-13868 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-13868, heretofore issued to Walter B. Hardy, be, and the same is hereby, declared cancelled effective September 27, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19.44

F

(Decision No. 22771)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
THOMAS H. HALL, 738 PARK STREET,) PERMIT NO. C-11091
TRINIDAD, COLORADO)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from THOMAS H. HALL of TRINIDAD, COLORADO, requesting that his Permit No. C-11091 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-11091, heretofore issued to Thomas H. Hall, be, and the same is hereby, declared cancelled effective September 23, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Malcom Erickson

Ralph C. Newton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 1944

F

(Decision No. 22772)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. D. SIMMONS, DOLORES, COLO-)
RADO.) PERMIT NO. C-7108
)
)
.....)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. D. Simmons of Dolores, Colorado, requesting that his Permit No. C-7108 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-7108, heretofore issued to J. D. Simmons, be, and the same is hereby, declared cancelled effective October 2, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Dickerson

Marion Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19.44

F

(Decision No. 22773)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
N. K. ROUBIDOUX, CORTEZ, COLO-) PERMIT NO. C-6763
RADO)
)
)

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from N. K. Roubidoux of Cortez, Colorado, requesting that his Permit No. C-6763 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-6763, heretofore issued to N. K. Roubidoux, be, and the same is hereby, declared cancelled effective September 19, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Dickman

Malcolm Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19.44

F

(Decision No. 22774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
THE GENOA TRANSPORTATION)
COMPANY, OF GENOA, COLORADO.)
)
)
)

PERMIT NO. C-5099

October 11, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Genoa Transportation Company of Genoa, Colorado, requesting that his Permit No. C-5099 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-5099, heretofore issued to the Genoa Transportation Company, be, and the same is hereby, declared cancelled effective October 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Silverman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 11th day of October, 19 44

R

(Decision No. 22775)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF J. D. SIMMONS, OF DOLORES, COLORADO.) PERMIT NO. B-1622

October 11, 1944.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above permittee requesting that his permit be suspended as he is in the Armed Forces.

After 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. D. Simmons be, and he is hereby, authorized to suspend his operations under Permit No. B-1622 for a period of not to exceed the duration of the present war and six months thereafter, from October 2, 1944.

That unless said J. D. Simmons 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 11th day of October, 1944.

R

(Decision No. 22776)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ALEXANDER NAEB, DOING BUSINESS AS NAEB TRUCK LINE, OF 509 SOUTH 4th STREET, BRIGHTON, COLORADO.

PERMIT NO. A-2351

October 11, 1944.

S T A T E M E N T

By the Commission:

The Commission is in receipt of the following communication from David Sigwardt, Attorney in Fact, for Alexander Naeb, doing business as the Naeb Truck Line:

> "With reference to the authority granted Alexander Naeb under Permit A-2351, I am asking that the Commission suspend permit for the duration of the war and six months thereafter due to the fact that Mr. Naeb is in the Armed Service of the U.S. and has been called for over-seas service * * * "

After 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 Alexander Naeb, doing business as the Naeb Truck Line, be, and he is hereby, authorized to suspend his operations under Permit No. A-2351 for a period of not to exceed the duration of the present war and six months thereafter, from September 26, 1944.

That unless said Alexander Naeb 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 11th day of October, 1944.

R

(Decision No. 22777)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LEE MORRIS, CORTEZ, COLORADO) PERMIT NO. A-2620
)
)
)

October 14, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lee Morris, of Cortez, Colorado, requesting that his Permit No. A-2620 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-2620, heretofore issued to Lee Morris, be, and the same is hereby, declared cancelled effective July 24, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Alderman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 14th day of Oct., 19 44

F

(Decision No. 22778)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HELEN E. MARKHAM, DBA. "THE FOUNTAIN", ELDORA, COLORADO.) PERMIT NO. C-14578
)
)

October 14, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Helen E. Markham, doing business as "The Fountain", of Eldora, Colorado, requesting that his Permit No. C-14578 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-14578, heretofore issued to Helen E. Markham, doing business as "The Fountain", be, and the same is hereby, declared cancelled effective September 12, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Alderman

Malcom Ericksen

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 14th day of Oct., 19 44

(Decision No. 22779)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
B AND D TIMBER, 1703-14th STREET,) PERMIT NO. C-15321
BOULDER, COLORADO)
)
)

October 14, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from B and D Timber of Boulder, Colorado, requesting that his Permit No. B C-15321 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-15321, heretofore issued to B and D Timber, be, and the same is hereby, declared cancelled effective Sept. 21, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thorman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 14th day of October, 19 44

(Decision No. 22780)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PERRY E. AND MARY M. KNOLL, OF) P.U.C. NO. 1589
EVERGREEN, COLORADO.)

October 14, 1944.

S T A T E M E N T

By the Commission:

The Commission is in receipt of the following information from the above-named certificate holders:

> The ODT has refused us gas to operate a taxi-service in and near Evergreen, stating that while it would be a convenience to the community, it would not materially aid in the war effort. We would like to have our permit suspended for a permit of six months * * * *

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

O R D E R

IT IS ORDERED:

That Perry E. and Mary M. Knoll be, and they are hereby, authorized to suspend their operations under Certificate No. 1589 for a period of not to exceed six months from September 15, 1944.

That unless said Perry E. and Mary M. Knoll 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 common carrier certificates, said certificate, without further action by the Commission, shall be revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of October, 1944.

R

(Decision No. 22781)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. C. DEICH, DOING BUSINESS AS) CERTIFICATE NO. 1095
LIMON TRANSFER, LIMON, COLORADO.)

October 14, 1944.

S T A T E M E N T

By the Commission

The Commission is in receipt of a communication from the above certificate holder requesting that his Certificate No. 1095 be suspended for the duration of the present war and six months thereafter, as his sons are in the Armed Forces and it is impossible for him to operate under the certificate alone.

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

O R D E R

IT IS ORDERED:

That W. C. Deich, doing business as Limon Transfer, be, and he is hereby, authorized to suspend his operations under Certificate No. 1095 for a period of not to exceed the duration of the present war and six months thereafter, from September 25, 1944.

That unless said W. C. Deich, doing business as Limon Transfer, 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 common carrier certificates, 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 14th day of October, 1944.

R

(Decision No. 22782)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF JAMES F. BURK, DOING BUSINESS AS YELLOW CAB COMPANY and/or BOULDER TAXI COMPANY, 3158 - 11th STREET, BOULDER, COLORADO.	CERTIFICATE NO. 1358

October 14, 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 his Certificate No. 1358 be further suspended, same having been suspended by the Commission for a period of not to exceed six months from April 1, 1944 (Decision No. 22116).

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

O R D E R

IT IS ORDERED:

That James F. Burk, doing business as Yellow Cab Company and/or Boulder Taxi Company, be, and he is hereby, authorized to suspend his operations under Certificate No. 1358 for a period of not to exceed six months from October, 1, 1944.

That unless said James F. Burk, doing business as Yellow Cab Company and/or Boulder Taxi 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 common carrier certificates, 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 14th day of October, 1944.

(Decision No. 22785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Dan Drieth, Stockyards Station,) PERMIT NO. B-3082
Route 1, Box 100, Denver 16,)
Colorado.)
)

October 14, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Dan Drieth of Denver 16, Colorado, requesting that his Permit No. B-3082 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-3082, heretofore issued to Dan Drieth, be, and the same is hereby, declared cancelled effective August 22, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thoman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 14th day of October, 1944

(Decision 22784)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. E. & FRIEDA TAGUE, 465 SANTA)
FE, DENVER 4, COLORADO.) APPLICATION NO. 6328-PP
)
)
)

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

October 14, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. E. & Frieda Tague of 465 Santa Fe, Denver 4, Colorado, requesting that Class B permit granted in Application No. 6328-PP (Decision No. 20896) on May 5, 1943, 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 Class B permit granted in Application No. 6328-PP,(Decision No. 20896) heretofore issued to W. E. & Frieda Tague, be, and the same is hereby, declared cancelled, effective September 20, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Malcolm Ericsson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1944.

F

(Decision No. 22785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
REIGAN MOTOR COMPANY, 139 WEST) PERMIT NO. A-1214
3rd ST., RIFLE, COLORADO.)
)
)
.....)

OCTOBER 14, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from REIGAN MOTOR COMPANY of Rifle, Colorado, requesting that his Permit No. A-1214 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-1214, heretofore issued to Reigan Motor Company, be, and the same is hereby, declared cancelled effective May 18, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 14th day of October, 19 44

(Decision No. 22786)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
TED REFFEL, 3725 FRANKLIN ST.,) PERMIT NO. B-2348
DENVER 5, COLORADO.)
)
)

October 14, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from TED REFFEL of Denver 5, Colorado, requesting that his Permit No. B- 2348 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-2348, heretofore issued to Ted Reffel, be, and the same is hereby, declared cancelled effective Aug. 12, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 14th day of October, 19 44

F

(Decision No. 22787)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. CLAUSSEN, 4619 TEJON ST.,) PERMIT NO. B-2308
DENVER, COLORADO.)

October 14, 1944.

S T A T E M E N T

By the Commission

On June 24, 1944, by Decision No. 22412, the Commission authorized J. C. Claussen, to suspend operations under Permit No. B-2308 for a period of not to exceed six months from June 3, 1944, with reinstatement proviso.

The Commission is now in receipt of a communication from permittee requesting that his permit be reinstated.

After careful consideration of the record, the Commission is of the opinion, and finds, that said permit should be reinstated, as of September 19, 1944, permittee having on file the necessary certificate of insurance and otherwise having complied with the rules and regulations of the Commission.

O R D E R

IT IS ORDERED:

That Permit No. B-2308 should be, and the same hereby is, reinstated as of September 19, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of October, 1944.

R

(Decision No. 22788)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF ADA AND SYLVIA GERTZ, DOING BUSINESS AS CUSTOM ORE HAULERS, OF 1300 GLENARM PLACE, DENVER, COLORADO.

PERMIT NO. B-2293

October 14, 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 permittees requesting that Permit No. B-2293 be suspended for six months.

After 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 Ada and Sylvia Gertz, doing business as Custom Ore Haulers, of Denver, Colorado, be, and they are hereby, authorized to suspend their operations under Permit B-2293 for a period of not to exceed six months from September 5, 1944.

That unless said Ada and Sylvia Gertz, doing business as Custom Ore Haulers, 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 14th day of October, 1944.

R

(Decision No. 22789)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF COLORADO RAPID TRANSIT COMPANY, A COLORADO CORPORATION, 2130 MARKET STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 26 TO V. G. GARNETT AND E. V. GARNETT, DOING BUSINESS AS "COLORADO RAPID TRANSIT COMPANY," 2130 MARKET STREET, DENVER, COLORADO.	APPLICATIONS NOS. 291-AAA-A 51-AE 681-AAA-A 1382-AAA 1564-AA 244-A AMENDED ORDER

October 18, 1944

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants;
V. G. Garnett, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 25, 1944, by Decision No. 22659, the Commission entered its order authorizing the Colorado Rapid Transit Company, a Colorado corporation, to transfer PUC No. 26 to V. G. Garnett and E. V. Garnett, doing business as "Colorado Rapid Transit Company."

It appears now that that part of the Statement in the Order authorizing transfer which described the authority is in error. It appears that said authority properly should have been described as the right to transport:

> freight and express, and farm products, to and from Denver, Boulder, Louisville, Firestone, Broomfield, Arvada, Lafayette, Erie, and intermediate points, farms, stores, plants, filling stations, garages, mines, and mining camps and tourist camps within a radius of five (5) miles of each of said towns and the main highways travelled to said towns, together with the right to transport milk, cream, and dairy products from territory described as: beginning at a point where State Highway 121 intersects Section 11, T. 4-S., R. 69-W.; thence north along Highway 121 to the town of Broomfield; thence north on U. S. Highway 87 to where said highway intersects the center of Sec. 27, T. 3-N., R. 69-W.; thence in a north-

easterly direction to the northeast corner of Section 25, T. 3-N., R. 69-W.; thence in a southeasterly direction to the southeast corner of Sec. 33, T. 3-N., R. 67-W.; thence southeasterly to the southeast corner of Sec. 7, T. 2-N., R. 66-W.; thence southeasterly to the northeast corner of Sec. 1, T. 1-N., R. 66-W.; thence southeasterly to the southeast corner of Sec. 7, T. 1-N., R. 65-W.; thence south four miles to the southeast corner of Sec. 31, T. 1-N., R. 65-W.; thence southwesterly to the northeast corner of Sec. 23, T. 1-S., R. 66-W.; thence southwesterly to the southwest corner of Sec. 34, T. 3-S., R. 67-W.,

save and except the area described as:

Beginning at the north center line of Sec. 35, T. 1-N., R. 68-W.; thence east three miles to the north center line of Sec. 32, T. 1-N., R. 67-W.; thence south one mile to the south center line of said Sec. 32; thence southwesterly to the east center line of Sec. 6, T. 1-S., R. 67-W.; thence west two and one-half miles to the center of Sec. 2, T. 1-S., R. 68-W.; thence south one mile to the center of Sec. 11, T. 1-S., R. 68-W.; thence west one and one-half miles to the west center line of Sec. 10, T. 1-S., R. 68-W.; thence north one mile to the west center line of Sec. 3, T. 1-S., R. 68-W.; thence northeasterly approximately two miles to the point of beginning,

with the further right and provilege of picking up milk from property abutting on both sides of State Highway No. 7 from Boulder to Boulder Junction, and along U. S. Highway No. 87 from Longmont to Broomfield and along State Highway No. 121 from Broomfield to where Highway No. 121 intersects the South Section Line of Section 11, T. 4-South, R. 69-W, to Denver, Fort Lupton, Brighton, Golden, and other towns and receiving points within said territory.

After careful consideration of the record, the Commission is of the opinion, and finds, that said Order and Decision No. 22659 should be amended so that authority transferred is correctly described, nunc pro tunc, as of the date of August 25, 1944.

O R D E R

IT IS ORDERED:

That our Decision No. 22659, of date August 25, 1944, be, and it hereby is, amended, nunc pro tunc, as of said date, by striking therefrom all that part of the statement contained in said decision beginning with the word "freight" in the third line of the Statement at Page 1 thereof, and ending with the word "Colorado," in the thirteenth line of Page 2 thereof, and in lieu thereof, inserting the following:

Freight and express, and farm products, to and from Denver, Boulder, Louisville, Firestone, Broomfield, Arvada, Lafayette, Erie, and intermediate points, farms, stores, plants, filling stations, garages, mines, and mining camps and tourist camps within a radius of five miles of each of said towns and the main highways travelled to said towns, together with the right to transport milk, cream, and dairy products from territory described as: beginning at a point where State Highway No. 121 intersects Sec. 11, T. 4-S., R. 69-W.; thence north along Highway No. 121 to the Town of Broomfield; thence north on U. S. Highway No. 87 to where said highway intersects the center of Sec. 27, T. 3- W., R. 69-W.; thence in a northeasterly direction to the northeast corner of Sec. 25, T. 3-N., R. 69-W.; thence in a southeasterly direction to the southeast corner of Sec. 33, T. 3-N., R. 67-W.; thence southeasterly to the southeast corner of Sec. 7, T. 2-N., R. 66-W.; thence southeasterly to the northeast corner of Sec. 1, T. 1-N., R. 66-W.; thence southeasterly to the southeast corner of Sec. 7, T. 1-R., R. 65-W.; thence south four miles to the southeast corner of Sec. 31, T. 1-N., R. 65-W.; thence southwesterly to the northeast corner of Sec. 23, T. 1-S., R. 66-W.; thence southwesterly to the southwest corner of Sec. 34, T. 3-S., R. 67-W.,

save and except the area described as:

Beginning at the north center line of Sec. 35, T. 1-N., R. 68-W.; thence east three miles to the north center line of Sec. 32, T. 1-N., R. 67-W.; thence south one mile to the south center line of said Sec. 32; thence southwesterly to the east center line of Sec. 6, T. 1-S., R. 67-W.; thence west two and one-half miles to the center of Sec. 2, T. 1-S., R. 68-W.; thence south one mile to the center of Sec. 11, T. 1-S., R. 68-W.; thence west one and one-half miles to the west center line of Sec. 10, T. 1-S., R. 68-W.; thence north one mile to the west center line of Sec. 3, T. 1-S., R. 68-W.; thence northeasterly approximately two miles to the point of beginning,

with the further right and privilege of picking up milk from property abutting on both sides of State Highway No. 7 from Boulder to Boulder Junction and along U. S. Highway No. 87 from Longmont to Broomfield and along State Highway No. 121 from Broomfield to where Highway No. 121 intersects the South Section Line of Section 11, T. 4-S., R. 69-W., to Denver, Fort Lupton, Brighton, Golden, and other towns and receiving points within said territory.

That said order and Decision No. 22659, in all other respects, shall remain in full force and effect.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of October, 1944.

mw

(Decision No. 22790)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF MASSEY AND RANSOM FLYING SERVICE, INC., FOR TEMPORARY MODIFICATION OF SERVICE TO STERLING AND FORT MORGAN.

APPLICATION NO. 6510
SUPPLEMENTAL ORDER

October 17, 1944.

Appearances: Stanley T. Wallbank, Esq., Denver, Colorado, for applicant;
Hodges, Vidal and Goree, Esqs., Denver, Colorado, for Rocky Mountain Motor Company;
S. Arthur Henry, Esq., Denver, Colorado, for Ray Wilson, Inc.;
John L. Rice, Esq., and H. M. Boyle, Esq., Denver, Colorado, for Burlington Transportation Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
E. G. Knowles, Esq., Denver, Colorado, for Interstate Transit Lines;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Donald R. Robertson, Esq., Denver, Colorado, for Mountain States Aviation, Inc.;
Harry S. Petersen, Esq., Pueblo, Colorado, for Pueblo Air Service.

S T A T E M E N T

By the Commission:

By Decision No.22234, entered April 21, 1944, applicant was granted authority to maintain airplane operations for the transportation of passengers, mail, and property between certain cities in Colorado, including Fort Morgan and Sterling, on regular schedule, and on call and demand.

Applicant has now filed application, setting forth that the certificated routes require the use of larger aircraft than that now available to applicant, due to war-time restrictions, and that applicant's service to Sterling and Fort Morgan can be adequately served, temporarily

and until further order of the Commission, as a service only on call and demand, and by eliminating scheduled service to said cities.

In view of the sworn statements of applicant contained in the application, and in view of the fact that the Commission now finds that such service by call and demand, at present, is adequate for the transportation above mentioned to Fort Morgan and Sterling,

O R D E R

IT IS ORDERED:

That until further order of the Commission, applicant is allowed to discontinue airplane service to the Cities of Sterling and Fort Morgan, on scheduled service, provided, however, that such service is maintained to said cities on call and demand, and Decision No. 22234 is so amended.

That, except as herein amended, Decision No. 22234 shall remain in full force and effect.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of October, 1944.

mw

(Decision No. 22791)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PROPOSED CHANGES IN CERTAIN RATES OF SWENA TRANSFER AND EXPRESS AND NORTH EASTERN FREIGHT COMPANY: ALSO CERTAIN CHANGES IN LIVESTOCK RATES.

CASE NO. 1585

October 21, 1944

Appearances: Ray Smith, Denver, Colorado, for The Colorado Motor Carriers' Association;
Myron H. Burnett, Esq., Denver, Colorado, for The Colorado Motor Carriers' Association;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Denver-Laramie-Walden Truck Line;
Earl Harris, Denver, Colorado, for North Park Transportation Company;
Harold Swena, Golden, Colorado, for Swena Transfer and Express;
Percy S. Morris, Esq., and Daniel M. Reaugh, Esqs., Denver, Colorado, for Office of Price Administration;
Frank H. Coplin, Sterling, Colorado, for North Eastern Freight Company;
Shirley Avery, Buena Vista, Colorado, for Eveready Freight Service;
W. E. Schattinger, Jefferson, Colorado, pro se;
Chris Sorenson, Longmont, Colorado, for Sorenson Truck Service;
T. S. Wood, Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

By Decision No. 22692, dated September 22, 1944, Case No. 1585 was reopened for further hearing, and the following matters were heard on October 5, 1944:

For Account of Swena Transfer and Express:

To provide a minimum weight of 5,000 pounds on brick from Golden to Denver and intermediate points.

To publish a rate of eight (8) cents per 100 pounds on ice, in blocks, loose, minimum weight 10,000 pounds, from Golden, Colorado, to Denver, Colorado.

For Account of North Eastern Freight Company:

To cancel a rate of sixteen (16) cents per 100 pounds (which includes the six percent increase) on feed, animal or poultry, in bags, boxes, barrels, or bales; flour, in bags; ice; salt, in bags, barrels, or boxes, straight or mixed shipments, minimum weight 500 pounds, between Sterling, Colorado, and Julesburg, Colorado, and intermediate points.

For Account of Eveready Freight Service, Bates and Sons, Ralph Yockey, Mark Yockey, Sorenson Truck Service, and other interested livestock carriers:

To provide that all shipments of livestock moving between Denver, Colorado, and the following territories shall be charged rates based on the Plains Scale for the entire distance, plus two times the Differential Scale for that portion of the distance located in Mountain Territory:

1. All that territory lying between Morrison, Colorado, and Trout Creek Pass, Colorado, and moving over U. S. Highway No. 285 and feeder roads.

2. All that territory lying between Idaho Springs, Colorado, and Rabbit Ears Pass, Colorado, and between Idaho Springs, Colorado, and Glenwood Springs, Colorado, and moving over U. S. Highways Nos. 6 and 40 and feeder roads.

3. All that territory lying west of Home, Colorado, and moving over State Highway No. 14 and feeder roads.

(The provisions of this exception will alternate with the provisions of Livestock Exception No. 6, from and to points in Jackson County, Colorado, and whichever produces the higher charge will apply).

Also the following rule for Account of Sorenson Truck Service:

Proper facilities for loading shall be furnished by the owner of the livestock. In the event owner does not have proper loading facilities,

same will be furnished by the carrier. The following charges will be made for such extra service:

Portable Loading Chute: 10 cents per truck mile traveled, subject to a minimum charge of $2.00 per trip.

Extra Labor: $3.00 per hour or fraction thereof for use of one man and truck in arranging corral. (Time to be computed from time of arrival of equipment at loading point until livestock is ready for loading).

On October 4, 1944, the Commission received a letter from The Colorado Motor Carriers' Association, by E. Robert Baker, its Executive Secretary, stating that it had been requested by Mr. Chris Sorenson to contact the Commission, and withdraw the request for the above-stated proposed rule. At the hearing, Mr. Sorenson testified that he requested the withdrawal of the proposed rule as he had been informed that the Commission did not have jurisdiction over such matters.

As no testimony was offered in support of the proposed rule, the reasonableness of same need not be considered at this time. However, it is the opinion of the Commission that the provisions of the Public Utilities Act does give it jurisdiction over the charges for such services.

Witness Harold M. Swena, testifying in support of his proposals, stated that there had been a very decided change in the volume of traffic moving under the rates on brick in question since they were originally published; that in the past, the majority of shipments moved in truckload lots, and now the majority of shipments are moving in lots of 500 to 750 bricks; that such shipments cannot be transported in the road-haul equipment, but require special equipment properly constructed for the handling of brick; that his present help is not efficient as that he was able to secure in the past, thereby causing an increase in the wages of his drivers, due to the fact it now requires more time to transport shipments; that the upkeep on trucks has increased largely due to increases in wages to mechanics; that the present rate on ice in blocks, loose, minimum weight 10,000 pounds, is sixteen (16) cents per 100 pounds; that under the proposed rate, shipments would move in truckload lots and the commodity can be handled quickly, same being in 400-pound blocks; that

it represents a back-haul movement, and can be handled profitably at the proposed rate.

At the present time, the rates on brick and articles taking the same rates as described in Section 1 of Appenxic M-1 of the Commissions's prescribed rates contained in its rate pamphlet dated March 15, 1943, from the Plant of the Golden Fire Brick Company, located one mile north of Golden, Colorado, are as follows:

To Golden, Colorado	$2.00 per 1000 brick,	or 4 cents per 100 pounds
To Lakewood, Colo.	2.50 " " " "	5 " " " "
To North, West, and South Denver, west of Broadway.	3.00 " " " "	6 " " " "
Between Broadway and Colorado Boulevard	3.25 " " " "	6½ " " " "
Between Colorado Boulevard and Monaco Boulevard.	3.50 " " " "	7 " " " "
Between Monaco Boulevard and the East City Limits.	3.75 " " " "	7½ " " " "

Note: Where the rates per 100 pounds are used, an estimated weight of five (5) pounds per brick shall apply.

On the basis of an estimated weight of 5 pounds per brick, the rates in cents per 100 pounds subject to a minimum weight of 5,000 pounds, would produce the same charges as shown above on 1000 bricks. There would, therefore, be no purpose in publishing the two sets of rates.

If in the future there should arise a need for the transportation of a quantity of less than 1000 bricks, there is in force and effect a 4th class rating which would be applicable and which should alternate with the rates and minimum weight hereinafter found reasonable.

The proposed rate on ice does not appear to be unreasonably low under all the circumstances and conditions.

Witness Frank H. Coplin, testifying in support of the petition of the North Eastern Freight Company, stated that at the time the rate in question was first established, the North Eastern Freight Company was performing its own pick-up and delivery services in Sterling. Now, due

to the manpower shortage, it must hire those services and pay a rate of seven (7) cents per 100 pounds, thus leaving nine (9) cents for the terminal and road haul movement expense; that shipments offlour are now moving between Sterling and Julesburg in lots of as much as 20,000 pounds; that there never has been a shipment of ice since he took over the line; that the rate is entirely too low for such a small minimum weight, and that same should be cancelled.

On shipments of flour and animal or poultry feed in straight or mixed shipments, the Commission, in Appendix H-1, has prescribed the following rates in cents per 100 pounds on the following minimum weights, between Sterling and Julesburg, viz.: 2,000 pounds, 31 cents; 4,000 pounds, 21 cents; 8,000 pounds, 15 cents, and 10,000 pounds, 13 cents. Therefore, shipments of these commodities weighing 20,000 pounds would be subject to a rate of 13 cents per 100 pounds.

Witness Chris Sorenson, Shirley Avery, Walter E. Schattinger, and Arlet Bates, common carriers, testified in support of the petition, and Mr. George E. Everett, a stock producer, also testified in support of the petition.

The testimony of all of the witnesses was confined to the conditions prevailing between Morrison and Trout Creek Pass, and moving over U. S. Highway No. 285 and feeder roads.

Mr. Sorenson testified that for the period September 1, 1943, to September 1, 1944, his total over-all expense was 35.4 cents per mile; that last year was not an average year, as he had sustained an extra expense by a fire which destroyed his garage in Longmont, but that if this expense was eliminated, his cost per mile would still be over 30 cents; that approximately 90 percent of his total livestock hauling is performed in Plains Territory; that his drivers payroll, gasoline, tires, repairs, and depreciation, make a total cost of 17.1 cents per mile; that on an average haul of 66 running miles on a 12,000-pound load, the revenue is 23-1/3 cents per mile, and on 8 miles, it is 55 cents per mile; that on trips out of the South Park district, trucks cannot be loaded to their

capacity, nor can the trucks move at a speed over 15 miles per hour, all of which increases the cost of operations out of this district.

Mr. Avery testified that last year his costs of operation were approximately 18 cents per mile; that out of the Fairplay District, the costs were about 2 cents per mile higher than out of the Buena Vista District; that in the fall of the year, about one-third of his business is livestock out of the Fairplay District; that he operates four trucks, and that recently he had purchased a new truck, but that it had not been in service sufficient time to determine its cost of operation.

Mr. George W. Averett testified that trucks cannot load to capacity in this general territory; that he is unable to get to the railroad successfully; that he prefers truck transportation from his ranch, which is located about 35 miles southwest of Hartsel, Colorado, on a county highway; that he ships between three and four hundred head of cattle per season from September to December.

Mr. Schattinger testified that he employs three drivers during the fall of the year, viz., between September 15 and December 1; that his investment in his trucking business is between $3,000. and $3,500.; that in 1943, he paid income tax on about $900.00; that he pays his son (who is one of his drivers) $6.00 per day, and his expenses on the road; that about one-third of his time is spent managing the operation; that he also operates a ranch in the vicinity of Jefferson, Colorado; that he has owned this truck operation since 1930; that he owns two trucks -- one a 1938 model, and the other a 1940 model; that if he was depending on his truck operations for a livelihood, he would have to quit, as the rates out of that district are too low to operate on a profit.

Mr. Bates testified that most of his operations are from Northern Colorado to Denver; that he does not care to go into the South Park Area at the prevailing level of rates; that the last time he had a truck in this district was in December, 1943; that he has not had any calls since that time, and that he would be satisfied if he did not receive any in the future.

During the fall of the year, there is a heavy movement of livestock from this district into Denver, which necessarily must move by truck as there are no rail facilities close at hand. If shipments were to move by rail, it would require either a truck movement to the railhead or in lieu thereof, in order that the stock be trailed to the railhead.

The present and proposed rates on livestock, other than sheep, and the distances, to Denver from a few representative points, are as follows:

		Rates Minimum Weight			
		Present		Proposed	
	Distance	8,000 lbs.	12,000 lbs.	8,000 lbs.	12,000 lbs.
Jefferson	70	24½	20	30	24
Como	77	25½	22-3/4	31	27½
Fairplay	87	28	25½	34	30½
Garo	96	3	26½	36	32
Hartsel	104	31½	27½	38	33

The earnings per ton mile and per truck mile (running mile) on minimum weights of 8,000 and 12,000 pounds under the present and proposed rates from Fairplay, Garo, and Hartsel are as follows:

	Ton-Mile Earnings				Truck-Mile Earnings			
	Present		Proposed		Present		Proposed	
	8M	12 M	8M	12 M	8M	12 M	8M	12 M
Fairplay	3.22¢	2.93¢	3.90¢	3.50¢	12.30¢	18.16¢	15.63¢	21.03¢
Garo	3.12	2.76	3.75	3.33	12.50	16.56	15.00	20.00
Hartsel	3.03	2.64	3.65	3.17	12.11	15.86	14.61	19.04

The ton-mile and truck-mile earnings have been computed on the round-trip distance as there is practically no back-haul traffic on movements of livestock out of this territory.

According to the testimony in this proceeding, the truck-mile earnings under the present rates do not cover the cost of operations and under the proposed rates will not produce revenues much above such costs, which is as it should be under the present general prevailing conditions of the nation.

No testimony was offered relative to other parts of the State set out in the petition.

Findings

The Commission finds that rates of 4, 5, 6, 6½, 7, and 7½ cents per 100 pounds on brick and articles taking the same rates as described in Item No. 1, Section No. 3, of Motor Truck Common Carriers' Association, Agent, Freight Tariff No. 2-B, Colo. PUC No. 5, subject to a minimum weight

of 5,000 pounds, from the Plant of the Golden Fire Brick Company, located one mile north of Golden, to Golden; Lakewood, North, West, and South Denver, west of Broadway; Between Broadway and Colorado Boulevard, Denver; Between Colorado Boulevard and Monaco Boulevard, Denver; Between Monaco Boulevard and the East City Limits, Denver, respectively; and an estimated weight of 5 pounds per brick shall be used where the actual weight is not obtained; 8 cents per 100 pounds on ice, in blocks, loose, minimum weight 10,000 pounds, from Golden, Colorado, to Denver, Colorado, will be just and reasonable; that the above-named rates should alternate with the fourth class rate on shipments weighing less than 5,000 pounds; that the cancellation of Item 925, M.T.C.C. Ass'n, Tariff 2-B, between Sterling, Colorado, and Julesburg, Colorado, and intermediate points should be authorized; that rates on livestock between Denver, Colorado, and points in the territory lying between Morrison, Colorado, and Trout Creek Pass, Colorado, and moving over U. S. Highway No. 285 and feeder roads should be computed on the basis of the "Plains Scale" for the entire distance, plus two times the "Differential Scale" for that portion of the distance located in "Mountain Territory;" that in all other respects, the petition should be denied.

O R D E R

IT IS ORDERED:

That this order shall become effective on the 21st day of October, 1944; that the new rates, rules, and provisions hereinbefore set forth in the Findings which are hereby made a part hereof, shall be published by Harold M. Swena, doing business as "Swena Transfer and Express;" Frank H. Coplin, doing business as "North Eastern Freight Company," and by all motor vehicle common carriers to the extent they are affected, and by private carriers by motor vehicle to the extent they are affected, to become effective on the 28th day of October, 1944, on notice to this Commission and the general public by not less than one (1) 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 October 28, 1944, all affected motor vehicle common carriers shall cease and desist from demanding, charging, and collecting rates and charges

which shall be greater or less or different than the rates and provisions herein prescribed on the traffic involved; that 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 rates or basis for rates 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

HENRY S. SHERMAN

WILSON E. ICKSON

RALPH C. HORTON

Commissioners

(S E A L)

ATTEST: A true copy:

E. E. Pollock

Secretary

Dated at Denver, Colorado,
this 21st day of October, 1944.

mw

(Decision No. 22792)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ACRE FURNITURE COMPANY, OF)
)
FT. MORGAN, COLORADO.)
)
)

PERMIT NO. C-1225

October 21, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Acre Furniture Company of Ft Morgan, Colorado, requesting that his Permit No. C-1225 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-1225, heretofore issued to the Acre Furniture Company, be, and the same is hereby, declared cancelled effective October 7, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Bowman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 21st day of October, 19 44

R

(Decision No. 22793)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. W. HOLZBERLEIN, JR., OF) PERMIT NO. C-1413
GRAND VALLEY, COLORADO.)
)
)

October 21, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. W. Holzberlein, Jr. of Grand Valley, Colorado, requesting that his Permit No. C-1413 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-1413, heretofore issued to J. W. Holzberlein, Jr. be, and the same is hereby, declared cancelled effective October 5, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Peterman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 21st day of October, 19 44

R

(Decision No. 22794)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF G. M. FLEMING, OF KIMBALL, NEBRASKA.

PERMIT NO. C-2661

October 21, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. M. Fleming of Kimball, Nebraska, requesting that his Permit No. C-2661 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-2661, heretofore issued to G. M. Fleming, be, and the same is hereby, declared cancelled effective October 13, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 21st day of October, 19 44

R

(Decision No. 22795)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RALPH MARTINEZ, OF 3358) PERMIT NO. C-15453
MARIPOSA ST., DENVER, 11,)
COLORADO.)
)

October 21, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ralph Martinez of Denver, Colorado, requesting that his Permit No. C-15453 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-15453, heretofore issued to Ralph Martinez, be, and the same is hereby, declared cancelled effective October 9, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry A. Alberson

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 21st day of October, 19 44

R

(Decision No. 22796)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
S. J. MILLER AND J. A. MAITLAND, DOING BUSINESS AS SEBASTIANI CANNING CO., 706 S. 7th ST., GRAND JUNCTION, COLO.) PERMIT NO. C-14473

October 21, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from S. J. Miller and J. A. Maitland, d/b/a Sebastiani Canning Co. of Grand Junction, Colorado, requesting that his Permit No. C-14473 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-14473, heretofore issued to S J Miller & J A Maitland d/b/a Sebastiani Canning Co., be, and the same is hereby, declared cancelled effective Oct. 3, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Schoeman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 21st day of October, 19 44

(Decision No. 22797)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. M. FLEMING, OF KIMBALL,) P.U.C. 856-I
NEBRASKA.)

* * * * * * *
Oct. 21, 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 his Certificate, PUC 856-I, be suspended for a period of six months.

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

O R D E R

IT IS ORDERED:

That G. M. Fleming, of Kimball, Nebraska, be, and he hereby is, authorized to suspend his operations under PUC 856-I for a period of not to exceed six months from October 13, 1944.

That unless G. M. Fleming 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 interstate common carrier certificates, 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

/s/ Henry D. Thomas

Malcom Ericsson

Ralph C. Horton

Commissioners

Dated at Denver, Colorado,
this 21st day of October, 1944.

R

(Decision No. 22798)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF W. E. SHOEMAKER, OF ROUTE 1, BOX 175, ARVADA, COLORADO.) PERMIT NO. B-2111

October 21, 1944.

S T A T E M E N T

By the Commission:

The Commission is in receipt of the following communication from W. E. Shoemaker, requesting that his Permit B-2111 be suspended:

> "Owing to the fact that all three of my boys are in the Armed Service of the U.S., it is impossible for me to re-instate and operate Permit B-2111 and run it successfully * * * as it now stands I would like to have this suspension extended for the duration of the War.* * * *

After 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 W. E. Shoemaker, be, and he is hereby, authorized to suspend his operations under Permit B-2111 for a period of not to exceed the present War and six months thereafter, from October 4, 1944.

That unless said W. E. Shoemaker 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

/s/ Henry A. Alderman

Malcom Erickson

Ralph C. Horton

Commissioners

Dated at Denver, Colorado,
this 21st day of October, 1944

R

(Decision No. 22799)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE MOTOR VEHICLE OPERATIONS OF DAVID GRAY, 1258 SOUTH PEARL STREET, DENVER, COLORADO, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 484.	ORDER TO SHOW CAUSE AND NOTICE OF HEARING CASE NO. 4922

October 20, 1944

STATEMENT

By the Commission:

By Decision No. 2963, dated July 22, 1930, this Commission granted a certificate of public convenience and necessity to S. W. Pickett, for the following operation as a common carrier by motor vehicle, to-wit:

> "A general transfer, moving and cartage business in the City of Longmont and in the County of Boulder, and to perform occasional service throughout the State of Colorado and each of the counties thereof as a common carrier by motor vehicle for hire, subject to the following conditions: (a) 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 in all cases shall be at least twenty percent in excess of those charged by the scheduled carriers; (b) the applicant shall not operate on schedule between any points; (c) the applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Longmont, for the purpose of developing business."

Said certificate was numbered "PUC No. 484."

Subsequent thereto, said Pickett was authorized to transfer said certificate to E. J. and Orville Rawson, by Decision No. 8141, and thereafter, on May 15, 1944, by Decision No. 22310, this Commission authorized said E. J. and Orville Rawson to transfer all their right,

title, and interest in and to said Certificate No. 484 to David Gray, the respondent above named, and in said decision it was ordered that the tariff of rates, rules, and regulations of the said E. J. and Orville Rawson should become and remain those of said respondent until changed according to law and the rules and regulations of this Commission.

Thereafter, said transfer from said Rawsons to said respondent was completed, and the said respondent commenced operations, purportedly pursuant to said PUC No. 484.

The Commission is informed that the said respondent has violated the statutes of the State of Colorado regulating motor vehicle carriers, the rules and regulations issued by this Commission governing motor vehicle carriers, and the terms and conditions of said certificate No. 484, in the following particulars:

1. That the respondent is not operating a general transfer, moving, and cartage business in the City of Longmont and the County of Boulder, as required by said certificate.

2. That the respondent, without any authority from this Commission, has established its only office in the City and County of Denver, Colorado, and does not have any office in the City of Longmont.

3. That the respondent has employed agents in a town or city other than the City of Longmont, to-wit, in the City and County of Denver, Colorado.

4. That all of said respondent's business is developed in the City and County of Denver, Colorado.

5. That during the Month of June, 1944, the respondent reported to this Commission that he had made ten trips in transporting property under said PUC No. 484; that only one of said trips, to-wit, one on June 28, 1944, originated in the County of Boulder, said trip being from Louisville, Colorado, to Denver, Colorado; that the remainder of said trips either originated in Denver and terminated in the metropolitan area or originated in the metropolitan area of Denver and terminated in Denver.

6. That during the Month of July, 1944, the respondent made fourteen trips under said PUC No. 484; that only one of said trips originated or terminated in the territory described in respondent's certificate, that trip being made on July 5, 1944, from Denver to Boulder, Colorado; that the remainder of said trips either originated in Denver and were terminated in the metropolitan area, or originated in the metropolitan area and were terminated in Denver, Colorado.

7. That during the Month of August, 1944, the respondent made twenty-three trips under said PUC No. 484, and that all of said trips either originated in Denver and terminated in the metropolitan area or points not within the area described in said certificate, or originated in points within the metropolitan area and terminated in Denver or other points within the metropolitan area.

8. That said service performed by respondent, as described in the three preceding paragraphs, does not constitute the performance of "occasional service throughout the State of Colorado and each of the counties thereof."

The Commission, therefore, finds that an investigation should be made and a hearing held relating to the operations of said respondent under and pursuant to said certificate of public convenience and necessity No. 484, and that the respondent should show cause as to why said certificate should not be suspended, revoked, or cancelled because of said violations above mentioned.

O R D E R

IT IS ORDERED:

That the respondent show cause, in writing, within ten (10) days from the date of service hereof, as to why this Commission should not enter an order, either suspending, revoking, or cancelling said certificate No. 484 because of the violations hereinabove set out.

That a hearing be held with reference to said violations in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on Tuesday, the 31st day of October, 1944, at ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1944.

mw

(Decision No. 22800)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF THE DENVER COAL & TIMBER COMPANY, INC., OF 2210-19th ST., DENVER, 2, COLORADO.

PERMIT NO. B-2407

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Denver Coal and Timber Company of Denver, Colorado, requesting that his Permit No. B-2407 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-2407, heretofore issued to the Denver Coal and Timber Company, be, and the same is hereby, declared cancelled effective October 16, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44

R

(Decision No. 22801)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LINCOLN TRAILER SALES, OF)
BOX 277, AURORA, COLORADO.) PERMIT NO. C-15318
)
)
)

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Lincoln Trailer Sales of Aurora, Colorado, requesting that his Permit No. C-15318 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-15318, heretofore issued to the Lincoln Trailer Sales, be, and the same is hereby, declared cancelled effective September 27, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1944

R

(Decision No. 22802)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. WEATHERS, OF ROUTE 1, BELLVUE, COLORADO.) PERMIT NO. C-14609

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. W. Weathers of Route 1, Bellvue, Colorado, requesting that his Permit No. C-14609 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-14609, heretofore issued to C. W. Weathers, be, and the same is hereby, declared cancelled effective October 7, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 19 44

R

(Decision No. 22803)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
DONALD D. SCOTT, OF CIMARRON,) PERMIT NO. C-14564
KANSAS.)
)
)

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Donald D. Scott of Cimarron, Kansas, requesting that his Permit No. C-14564 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-14564, heretofore issued to Donald D. Scott, be, and the same is hereby, declared cancelled effective October 10, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44

R

(Decision No. 22804)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FRANK C. WILLS, OF CALHAN,) PERMIT NO. C-14522
COLORADO.)
)
)

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank C. Wills of Calhan, Colorado, requesting that his Permit No. C-14522 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-14522, heretofore issued to Frank C. Wills, be, and the same is hereby, declared cancelled effective October 4, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44

R

(Decision No. 22805)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. E. FELCH, OF SIMLA, COLORADO.) PERMIT NO. C-14365
)

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C.E. Felch of Simla, Colorado, requesting that his Permit No. C-14365 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-14365, heretofore issued to C. E. Felch, be, and the same is hereby, declared cancelled effective October 6, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44

R

(Decision No. 22806)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF THE CHICAGO CREEK LUMBER COMPANY, OF IDAHO SPRINGS, COLORADO.

PERMIT NO. C-14299

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Chicago Creek Lumber Company of Idaho Springs, Colorado, requesting that his Permit No. C-14299 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-14299, heretofore issued to the Chicago Creek Lumber Company, be, and the same is hereby, declared cancelled effective March 29, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 19 44

R

(Decision No. 22807)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF LOUIS McMAHAN, OF MINTURN, COLORADO.

PERMIT NO. C-14274

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Louis McMahan of Minturn, Colorado, requesting that his Permit No. C-14274 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-14274, heretofore issued to Louis McMahan, be, and the same is hereby, declared cancelled effective June 16, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44

R

(Decision No. 22868)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF AUTO PARTS COMPANY, OF 112 SOUTH COLLEGE AVE., FORT COLLINS, COLORADO.

PERMIT NO. C-14177

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Auto Parts Company of Ft. Collins, Colorado, requesting that his Permit No. C-14177 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-14177, heretofore issued to the Auto Parts Company, be, and the same is hereby, declared cancelled effective October 2, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 19 44

R

(Decision No. 22809)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF THE PANHANDLE FRUIT COMPANY, INC., OF 711 GRANT ST., AMARILLO, TEXAS.

PERMIT NO. C-14076

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Panhandle Fruit Company, Inc. of Amarillo, Texas, requesting that his Permit No. C-14076 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-14076, heretofore issued to the Panhandle Fruit Company, Inc., be, and the same is hereby, declared cancelled effective October 6, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomson

Malcom Erickson

Ralph C. Hartman

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 1944

R

(Decision No. 22810)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES AND ELMER GEHRKE,)
DOING BUSINESS AS CHARLES GEHRKE) PERMIT NO. C-14004
AND SON, OF DELPHOS, KANSAS.)
)

Oct. 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles and Elmer Gehrke d/b/a Charles Gehrke & Son of Delphos, Kansas, requesting that his Permit No. C-14004 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-14004, heretofore issued to Charles & Elmer Gehrke d/b/a Charles Gehrke & son, be, and the same is hereby, declared cancelled effective October 7, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sloneker

/s/ Malcolm Erickson

/s/ Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 19 44

R

(Decision No. 22811)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
THE CONTINENTAL CAN COMPANY, OF) PERMIT NO. C-11760
241 S. CHEROKEE ST., DENVER,)
9, COLORADO.)
)

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Continental Can Company of Denver, Colorado, requesting that his Permit No. C-11760 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-11760, heretofore issued to the Continental Can Company, be, and the same is hereby, declared cancelled effective October 13, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry P. Thorman

/s/ Malcom Erickson

/s/ Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44.

R

(Decision No. 22812)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF STANDARD PAINT AND GLASS CO., OF 112-114 W. 2nd ST., PUEBLO, COLORADO.

PERMIT NO. C-10877

Oct. 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard Paint and Glass Company of Pueblo, Colorado, requesting that his Permit No. C-10877 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-10877, heretofore issued to the Standard Paint and Glass Company, be, and the same is hereby, declared cancelled effective October 16, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Lewis D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44

(Decision No. 22813)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF YOUNG'S SERVICE STATION, OF 474 - 6th STREET, DURANGO, COLORADO.

PERMIT NO. C-9293

Oct. 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Young's Service Station of Durango, Colorado, requesting that his Permit No. C-9293 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-9293, heretofore issued to Young's Service Station, be, and the same is hereby, declared cancelled effective October 18, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44

R

(Decision No. 22814)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SMITH LUMBER COMPANY, OF)
P O BOX 458, AULT, COLORADO.)
)
)

PERMIT NO. C-2838

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Smith Lumber Company of Ault, Colorado, requesting that his Permit No. C-2838 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-2838, heretofore issued to the Smith Lumber Company, be, and the same is hereby, declared cancelled effective October 20, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thoman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 25th day of October, 19 44

R

(Decision No. 22815)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF L. D. HARTSELL OF 408 - 3rd STREET, LAS ANIMAS, COLORADO.

PERMIT NO. B-2402

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. D. Hartsell of Las Animas, Colorado, requesting that his Permit No. B-2402 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-2402, heretofore issued to L. D. Hartsell, be, and the same is hereby, declared cancelled effective October 13, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1944

R

(Decision No. 22816)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
KNIGHT-GARWOOD MOTOR COMPANY,) PERMIT NO. C-14804
OF 1248 BROADWAY, DENVER,)
2, COLORADO.)
)

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Knight-Garwood Motor Company of Denver, Colorado, requesting that his Permit No. C-14804 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-14804, heretofore issued to the Knight-Garwood Motor Company, be, and the same is hereby, declared cancelled effective October 20, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 19 44

R

(Decision No. 22817)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. H. VICK, OF WATKINS,) PERMIT NO. C-14674
COLORADO.)
)
)

October 25, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. H. Vick of Watkins, Colorado, requesting that his Permit No. C-14674 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-14674, heretofore issued to C. H. Vick, be, and the same is hereby, declared cancelled effective September 30, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1944.

R

(Decision No. 22818)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF H. L. MUCKOW, 424 NORTH PIKES PEAK, FLORENCE, COLORADO.	CASE NO. 32192-INS. PERMITS NOS. C-8864 B-2465

October 24, 1944

S T A T E M E N T

By the Commission:

On August 4, 1944, the Commission entered an order revoking Commercial Carrier Permit No. C-8864 and Private Carrier Permit No. B-2465, for failure to have on file the necessary insurance as required by law.

It now appears that respondent's Insurance Agent had sent a cancellation notice to the Commission, but thereafter, and subsequent to the mailing of the Commission's Revocation Order, the said Agent mailed to the Commission a notice to the effedt that the cancellation had been withdrawn, and that the policy was in full force and effect, "as if such notice of termination had not been sent."

The Commission has been requested to set aside the orver revoking Permits Nos. C-8864 and B-2465, for the reason that proper insurance is on file and effective.

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 Commission's order of August 4, 1944, revoking Permits Nos. C-8864 and B-2465, be, and it hereby is, set aside, and said permits are hereby reinstated, effective as of August 4, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of October, 1944.

mw

(Decision No. 22819)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

Original

THE TOWN OF FOUNTAIN, COLORADO, Complainant, -vs- MOUNTAIN VIEW RURAL ELECTRIFICATION ASSOCIATION, INC., Respondent.	CASE NO. 4923 ORDER TO SHOW CAUSE

October 25, 1944

S T A T E M E N T

By the Commission:

Heretofore, on November 28, 1941, this Commission, by Decision No. 17913, issued a certificate of public convenience and necessity to the Town of Fountain to serve the citizens of the Town of Fountain and the citizens of an area extending six miles north, six miles east, and six miles south of said Town.

The Town of Fountain (hereinafter called "Complainant"), on September 27, 1944, filed a complaint against the Mountain View Rural Electrification Association, Inc., (hereinafter called "Respondent"), wherein said Town of Fountain alleged that Respondent is a public utility, and subject to the Public Utilities Act of the State of Colorado and the rules and regulations of the Public Utilities Commission; that the Respondent is constructing and extending its lines, plant, and system so as to interfere, or be about to interfere, with the operation of the lines, plant, or system of Complainant in the territory above described; and that such construction and extension will injuriously affect the Complainant; that said Respondent has not obtained a certificate of public convenience and necessity to construct its lines, plant, or system, or to extend the same; that Respondent is now supplying electrical energy to twenty or twenty-five citizens in said area above

described, and is now constructing a power line through Sections 19 and 20, Township 15-South, Range 66-West, which power line parallels and crosses the power line of Complainant.

In said complaint, Complainant prays that Respondent be ordered to cease and desist from any further construction on said power line mentioned and described in said complaint; that Respondent be declared to be a public utility and subject to the Public Utilities Act and the rules and regulations of The Public Utilities Commission; and that a hearing be held thereon.

A copy of said Complaint is being served upon Respondent with a copy of this Order.

The Commission finds that the Respondent should satisfy or answer said Complaint of the Complainant, and should show cause, in writing, within ten (10) days from the date hereof, as to why this Commission should not enter an order finding Respondent to be a public utility and subject to the Public Utilities Act and the rules and regulations of this Commission, and as to why this Commission should not enter an order requiring Respondent to cease and desist from any further construction or extension of its lines, plant, or system.

O R D E R

IT IS ORDERED:

That the Respondent, within ten (10) days from the date hereof, show cause, in writing, as to why the prayer of the Complainant herein should not be granted; as to why this Commission should not enter an Order finding and declaring that Respondent is a public utility; as to why this Commission should not enter an order requring Respondent to apply for a certificate of public convenience and necessity authorizing it to operate as a public utility and defining its territory; and as to why this Commission should not enter an order requiring Respondent to cease and desist from constructing or extending its lines, plant, or system into the territory covered by the certificate of public con-

venience and necessity issued to the Complainant by said Decision No. 17913.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of October, 1944.

mw

(Decision No. 22820)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM MT. HARRIS, COLORADO, TO THE TABERNACLE COMMUNITY CHURCH, DENVER, COLORADO.	MISCELLANEOUS DOCKET NO. 195

October 23, 1944

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated October 2, 1944, requesting authority to transport one carload of coal from Mt. Harris, Colorado, free of charge, on account of charity.

The shipment in question has been donated by a shipper on the line of The Denver and Salt Lake Railway Company, for use of the Tabernacle Community Church, a charitable institution, and is to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

O R D E R

IT IS ORDERED:

That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Mt. Harris, Colorado, to Denver, Colorado, consigned to the Tabernacle Community Church in care of the Colorado & Utah Coal Company, Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1944

JH

FORM 1901

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

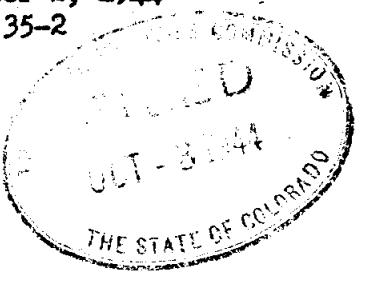
DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

Misc. Docket #195

MW194
Misc.
22820
6 ad23

October 2, 1944
File 35-2



The Public Utilities Commission
of the State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

A carload of coal has been donated by one of the operators on our line to the Tabernacle Community Church, 20th and Lawrence Streets, Denver, a charitable institution. This car will be consigned to the Tabernacle Community Church in care of the Colorado & Utah Coal Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Mt. Harris, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner

H

Original

(Decision No. 22821)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ED J. KNOTT, DOING BUSINESS AS "DENVER-PUEBLO TRUCK LINES," 422 EAST VERMIJO STREET, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-607 TO FRED W. SCHULTZ, 5067 TENNYSON STREET, DENVER, COLORADO, AND CHARLES W. CARLSON, 4619 QUITMAN STREET, DENVER, COLORADO, DOING BUSINESS AS "DENVER-PUEBLO TRUCK LINES") APPLICATION NO. 2221-PP-AAA-AAA

October 25, 1944

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for applicants;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
A. J. Fregeau, Denver, Colorado, for Welcker Transfer and Storage Company;
Marion F. Jones, Esq., Denver, Colorado, for Buckingham Transportation Company;
Charles Enos, Esq., Denver, Colorado, for Dalby Motor Freight Lines, Inc.

S T A T E M E N T

By the Commission:

On April 8, 1944, this Commission issued its Decision No. 22165, wherein Ed J. Knott, doing business as Denver-Pueblo Truck Lines, was authorized to transfer his Permit No. A-607 to Fred W. Schultz and Charles W. Carlson, co-partners, doing business as Denver-Pueblo Truck Lines, and on July 19, 1944, by Decision No. 22482, this Commission amended said Decision No. 22165 by ordering the transferees above named to pay to E. B. Evans, attorney for The Public Utilities Commission of the State of Colorado, as Trustee, the sum of $1,232.56 out

of the moneys which they are to pay to said transferor, said sum to be disbursed by said E. P. Evans to the unpaid creditors named in said Decision No. 22482, said transferor, at the hearing, having represented that persons so named were sole creditors.

It now appears that, in addition to the unpaid creditors listed in said Decision No. 22482, other creditors of Ed J. Knott have not been paid; that a list of said additional unpaid creditors, in so far as now known to the Commission, together with the amounts of their claims, is as follows:

Dalby Motor Freight Lines, Inc. % Charles R. Enos, Attorney 901 Midland Savings Bldg. Denver, Colorado	$1048.36
American Chicle Company 403 Illinois Street Chicago, Illinois	16.50
International Forwarding Company 1570 13th Street Denver, Colorado	4.32
Resler Truck Line 2155 Lawrence Street Denver, Colorado	3.37
McAnally & Son Furniture Company 317 West Main Street Trinidad, Colorado	4.65
United Motor Service General Motors Building Detroit (2), Michigan	0.97
Peerless Furniture Company 113 North Tejon Street Colorado Springs, Colorado	12.60
Sears, Roebuck & Company Colorado Springs, Colorado	11.35
Lubbock Transfer & Storage Company 701 10th Street Lubbock, Texas	193.46
Colorado Springs Independent 2526 West Colorado Avenue Colorado Springs, Colorado	34.60
Active Collection Service Colorado Savings Bank Bldg. Colorado Springs, Colorado	51.00 $1381.18

The transferor has agreed that these amounts are due said unpaid creditors listed above, and the transferor and transfereeshave consented to the entry of an order that the Commission shall require the transferees above named to pay to said E. B. Evans, attorney for said Commission, the amount of Thirteen Hundred Eighty-one Dollars and Eighteen Cents ($1381.18) out of the moneys which they are to pay to said transferor, said payments to be made by said transferees to said E. B. Evans until said sum of $1381.18, together with the further sum of $1232.56, as required by Decision No. 22482, shall have been paid to said E. B. Evans, said sum to be disbursed to the creditors listed above as well as to the creditors listed in said Decision No. 22482.

The Commission finds that said Decision No. 22165 should be amended by inserting a further paragraph between the third and fourth paragraphs of said order as set forth in the order part of this decision.

O R D E R

IT IS ORDERED:

That Decision No. 22165 be, and it hereby is, amended, by inserting a further paragraph between the third and fourth paragraphs of said order reading as follows:

> "That, in addition to the payment of said sum of $1232.56 to said E. B. Evans, the transferees shall pay to said E. B. Evans the further sum of $1381.18 out of moneys which they are to pay to said transferor on account of the purchase price of said permit, making a total sum which transferees are to pay to said E. B. Evans of Twenty-six Hundred Thirteen Dollars and Seventy-four Cents ($2613.74), which said total sum shall be disbursed to the unpaid creditors listed in Decision No. 22482, as well as to the following creditors, in the amounts set opposite their respective names, as follows:

Dalby Motor Freight Lines, Inc.	$1048.36
American Chicle Company	16.50
International Forwarding Company	4.32
Resler Truck Line	3.37
McAnally & Son Furniture Company	4.65
United Motor Service	0.97

Peerless Furniture Company	$ 12.60
Sears, Roebuck & Company	11.35
Lubbock Transfer & Storage Company	193.46
Colorado Springs Independent	34.60
Active Collection Service	51.00

and the unpaid creditors listed in Decision No. 22482."

That, in all other respects, said Decisions numbered 22165 and 22482 shall remain in full force and effect.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of October, 1944.

JH

(Decision No. 22822)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK H. DOW, 3009 DEPEW STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6768-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 3, 1944

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 and points within a radius of five 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 Frank H. Dow, 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, 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 and points within a radius of five 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1944.

mw

(Decision No. 22823)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD R. DOW, 3009 DEPEW STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6771-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 3, 1944

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 Donald R. Dow, 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, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1944.

mw

(Decision No. 22824)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD R. BURBANK, 4548 LEAF COURT,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6769-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 3, 1944

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to jobs within said area, 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 Harold R. Burbank, 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, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to jobs within said

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

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

This order is the permit herein provided for, but it 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 3rd day of November, 1944.

mw

(Decision No. 22825)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL ANDERSON, 3231 JULIAN STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6770-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 3, 1944

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 Carl Anderson, 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, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1944.

mw

(Decision No. 22826)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN GLEASON, 142 NORTH WADSWORTH AVENUE, ARVADA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6764-PP

November 3, 1944

STATEMENT

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, cement, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to construction 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 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; that said permit, when issued, should bear the number "B-2918," the number of a permit formerly held by applicant.

ORDER

IT IS ORDERED:

That John Gleason, Arvada, 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, cement, and other materials used in making up the surface of the roads, from pits and

supply points in the State of Colorado to construction 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 becomeeffective 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 permit, when issued, should bear the number "B-2918."

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 3rd day of November, 1944.

mw

(Decision No. 22827)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES T. PINCH, 222 INCA STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6765-PP

November 3, 1944

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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 T. Pinch, 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, and other materials used in making up the surface of the roads, from pits and supply points

in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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 3rd day of November, 1944.

mw

(Decision No. 22828)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RALPH MARTINEZ, 3358 MARIPOSA STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6766-PP

November 3, 1944

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to jobs within said area, 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 Ralph Martinez, 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, and other materials

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

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

This order is the permit 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 3rd day of November, 1944.

JH

Original

(Decision No. 22829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MAX HERRERA, 1347 GROVE STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6767-PP

November 3, 1944

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, to jobs within said area, 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 Max Herrera, 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, and other materials used in making up the surface of the roads, from pits and supply points within

a radius of fifty miles of Denver, to jobs within said area, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

This order is the permit 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 3rd day of November, 1944

Original

(Decision No. 22830)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. M. RUBERSON, 814 ACOMA STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6763-PP

November 3, 1944

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 C. M. Ruberson, 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, 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 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 3rd day of November, 1944

JH

(Decision No. 22831)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GORDON MARTIN, 501 SOUTH NEWTON STREET, DENVER, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-1776.

APPLICATION NO. 5246-PP-B

November 3, 1944

S T A T E M E N T

By the Commission:

By Decision No. 14696, on January 30, 1940, Gordon Martin, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> wheat, corn, barley, and baled hay, from farms located within a twenty-five mile radius of Denver, Colorado, to storage, elevators, and markets within said area, and coal from the northern Colorado coal fields to Denver; provided, however, that the applicant shall not engage in any transportation service between towns on the line of established scheduled common carriers now serving this territory; this limitation, however, not to apply to the transportation of coal and baled hay,

and Permit No. B-1776 issued to him.

Applicant now seeks authority to extend operations under said Permit No. B-1776 to include the right to transport 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.

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

notice, upon the records and files herein.

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

O R D E R

IT IS ORDERED:

That Gordon Martin, Denver, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-1776 to include the right to transport 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1944

JH

Original

(Decision No. 22832)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL H. PRATHER, 1620 GROVE STREET, BOULDER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6762-PP

November 4, 1944

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 northern Colorado coal fields to points within a radius of twenty-five miles of Boulder, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits limited to the authority herein sought 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 Earl H. Prather, Boulder, 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 the northern Colorado coal fields to points within a radius of twenty-five miles of Boulder, Colorado.

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

This order is the permit 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 4th day of November, 1944

JH

(Decision No. 22833)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
WILL L. MILLER, ROUTE 6, BOX 399-A,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6761-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 4, 1944.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel,and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to jobs within said area, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from point to point 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 Will L. Miller, 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, and other materials used in

making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to jobs within said area, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from point to point 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 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 4th day of November, 1944.

R

Original

(Decision No. 22834)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALBERT C. ANDERSON, 7206 WEST 9TH AVENUE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6760-PP

November 4, 1944

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 construction 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 Albert C. Anderson, 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, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to construction 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 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 4th day of November, 1944

JH

Original

(Decision No. 22835)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. M. BELLER, 7206 WEST 9th AVENUE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6759-PP

November 4, 1944

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 construction 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 J. M. Beller, 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, and other materials used in making

up the surface of the roads, from pits and supply points in the State of Colorado to construction 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 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 4th day of November, 1944

JH

(Decision No. 22836)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR R. CHOURY, 1335 INCA STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6758-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 3, 1944

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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 Arthur R. Choury, 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, and other materials used in making up the surface of the roads, from pits and supply points

in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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 3rd day of November, 1944.

mw

Final

(Decision No. 22837)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MICKELSON TRANSPORT LINE, INC., DUCHESNE, UTAH, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO BOYCE R. CLARK, 630 SOUTH FIRST WEST, SALT LAKE CITY, UTAH.

PERMIT NO. B-3072-I

November 4, 1944

S T A T E M E N T

By the Commission:

Heretofore, Mickelson Transport Line, Inc., Duchesne, Utah, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle in interstate commerce, and Permit No. B-3072-I issued to it.

Said permit-holder now seeks authority to transfer said Permit No. B-3072-I to Boyce R. Clark, Salt Lake City, Utah.

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 Mickelson Transport Line, Inc., Duchesne, Utah, be, and it hereby is, authorized to transfer all its right, title and interest in and to Permit No. B-3072-I to Boyce R. Clark, Salt Lake City, Utah, 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 4th day of November, 1944

(Decision No. 22838)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF EARL HARRIS, MONTE VISTA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 6725-PP

November 4, 1944.

S T A T E M E N T

By the Commission:

On September 19, 1944, Earl Harris, of Monte Vista, Colorado, filed application with this Commission for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce within a radius of twenty-five miles of any loading or shipping point in the San Luis Valley.

Subsequently, and on October 3, 1944, said Earl Harris, by letter, requested that his application be dismissed.

After careful consideration of the request, the Commission is of the opinion, and finds, that said application should be dismissed, without prejudice.

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same hereby is, dismissed, without prejudice.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of November, 1944.

R

Original

(Decision No. 22839)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF M. A. PACKARD, 3037 WILLIAMS STREET, DENVER, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 6709-PP

November 4, 1944

Appearances: M. A. Packard, 3037 Williams Street, Denver 5, Colorado, pro se.

S T A T E M E N T

By the Commission:

On July 14, 1944, M. A. Packard filed his application for a Class "A" permit to operate as a private carrier by motor vehicle for the transportation, in intrastate and interstate commerce, of newspapers between Denver, Colorado, and the Colorado-Kansas state line, and intermediate points, on U. S. Highways 36, 40, 287 and 24.

At the hearing in Denver, Colorado, on October 3, 1944, the evidence disclosed that applicant has a contract with the "Denver Post," a newspaper published in Denver, Colorado, for the delivery and transportation of said paper in bundles to the Colorado-Kansas state line and intermediate points on U. S. Highway 287 to Limon, Colorado, and U. S. Highway 24 from Limon to the Colorado-Kansas line.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission, and no protests to this application were lodged with the Commission.

The matter was taken under advisement, and after careful consideration of the record and evidence, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That M. A. Packard, 3037 Williams Street, Denver, 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 newspapers, in intrastate and interstate commerce, between Denver and the Colorado-Kansas State Line, via U. S. Highway 287 to Limon, Colorado, and U. S. Highway 24 from Limon to said Colorado-Kansas state line, with the right to serve all intermediate points.

That the interstate permit herein granted is subject to the Federal Motor Carrier Act of 1935.

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 4th day of November, 1944

JH

D-713 Ind 1

(Decision No. 22840)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK YAMAGUCHI, ROUTE 2, BOX 82, FORT LUPTON, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-2996 TO INCLUDE THE TRANSPORTATION OF FARM PRODUCTS BETWEEN POINTS WITHIN A RADIUS OF 25 MILES OF HOT SULPHUR SPRINGS, AND FROM AND TO POINTS IN SAID AREA TO AND FROM FORT LUPTON AND DENVER, COLORADO.	APPLICATION NO. 6441-PP-B

November 4, 1944

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

S T A T E M E N T

By the Commission:

On October 7, 1943, by Decision No. 21428, Frank Yamaguchi, of Fort Lupton, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> "Farm products between points within a radius of fifty miles of Fort Lupton, Colorado, without the right to operate between towns that are served by line-haul common carriers operating on schedule, but with the right to make emergency hauls of potatoes from Gilcrest to Greeley, or from Greeley to Gilcrest, to complete a carload of potatoes for shipment."

On July 23, 1944, applicant filed his application for an extension of his authority under Permit No. B-2996 to include the right to transport farm products between points within a radius of twenty-five miles of Hot Sulphur Springs, and from and to points in said area to and from Denver and Fort Lupton, Colorado.

The matter was set for hearing at Denver, Colorado, on August 22, 1944, at 10 o'clock A.M., due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear. Thereupon, protestant moved that said application be dismissed for lack of prosecution.

Thereupon the files in the instant case were made a part of the record, and the matter was hear and taken under advisement.

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

O R D E R

IT IS ORDERED:

That Frank Yamaguchi, of Fort Lupton, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-2996 to include the transportation of farm products between points within a radius of twenty-five miles of Hot Sulphur Springs, Colorado, and from and to points in said area to and from Denver and Fort Lupton, Colorado, without the right to operate between towns that are served by line-haul common carriers operating on schedule.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of October, 1944

JH

(Decision No. 22841)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SIBLEY BROTHERS, OF BYERS, COLORADO.) PERMIT NO. C-3614
)

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sibley Brothers of Byers, Colorado, requesting that his Permit No. C-3614 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-3614, heretofore issued to Sibley Brothers, be, and the same is hereby, declared cancelled effective October 28, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Alderman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 8th day of November, 1944

R

(Decision No. 22842)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. W. NIERMAN, OF HOLYOKE, COLORADO.) PERMIT NO. C-3361

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. W. Nierman of Holyoke, Colorado, requesting that his Permit No. C-3361 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-3361, heretofore issued to F. W. Nierman, be, and the same is hereby, declared cancelled effective October 26, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Coleman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1944.

R

(Decision No. 22843)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FORT WORTH POULTRY & EGG CO.,) PERMIT NO. C-14049
OF 701 E 9th ST., FORT WORTH,)
TEXAS.)
)

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Fort Worth Poultry & Egg Company of Fort Worth, Texas, requesting that his Permit No. C-14049 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-14049, heretofore issued to the Fort Worth Poultry & Egg Company, be, and the same is hereby, declared cancelled effective October 11, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Alexander

Walcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 8th day of November, 1944

R

(Decision No. 22844)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES T. McDOWELL, OF ROUTE 1,)
BOX 239, CANON CITY, COLORADO.) PERMIT NO. C-14420
)
)
)

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James T. McDowell of Canon City, Colorado, requesting that his Permit No. C-14420 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-14420, heretofore issued to James T. McDowell, be, and the same is hereby, declared cancelled effective January 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Walton Emerson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 8th day of November, 19 44

R

(Decision No. 22845)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
EMMETT O. WAGGONER, OF 810) PERMIT NO. C-14726
MARTIN ST., LONGMONT, COLORADO.)
)
)

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Emmett O. Waggoner of Longmont, Colorado, requesting that his Permit No. C-14726 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-14726, heretofore issued to Emmett O. Waggoner, be, and the same is hereby, declared cancelled effective October 16, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Ackerman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 8th day of November, 19 44

R

(Decision No. 22846)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. HENRY, OF EGNAR, COLORADO.) PERMIT NO. C-15562
)

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. W. Henry of Egnar, Colorado, requesting that his Permit No. C-15562 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-15562, heretofore issued to C. W. Henry, be, and the same is hereby, declared cancelled effective October 18, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Alderman

Marion Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 19 44

R

(Decision No. 22847)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH DELAQUILA, of 3245 AMES STREET, DENVER, 14, COLORADO.) PERMIT NO. C-2542

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joseph Delaquila of Denver, Colorado, requesting that his Permit No. C-2542 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-2542, heretofore issued to Joseph Delaquila, be, and the same is hereby, declared cancelled effective October 23, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry A. Johnson

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 8th day of November, 19 44

R

(Decision No. 22848)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF J. E. THOMPSON, OF 337 HILL AVENUE, GRAND JUNCTION, COLORADO.

PERMIT NO. C-5129

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. E. Thompson of Grand Junction, Colorado, requesting that his Permit No. C-5129 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-5129, heretofore issued to J. E. Thompson, be, and the same is hereby, declared cancelled effective September 4, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 19 44

R

(Decision No. 22849)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. E. WRIGHT, OF ROUTE 1,) PERMIT NO. C-10468
BOX 97, BOULDER, COLORADO.)
)
)

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. E. Wright of Boulder, Colorado, requesting that his Permit No. C-10468 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-10468, heretofore issued to R. E. Wright, be, and the same is hereby, declared cancelled effective October 23, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of November, 19 44.
R

(Decision No. 22850)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
NISLEY & WILSON VANADIUM MILL,) PERMIT NO. C-14153
OF GATEWAY, COLORADO.)
(FRANK N. NISLEY, JR. AND HAYS C.)
WILSON, d/b/a))

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank N. Nisley, Jr., and Hays C. Wilson d/b/a Nisley & Wilson ~~of~~ Vanadium Mill, of Gateway, Colorado requesting that his Permit No. C-14153 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-14153, heretofore issued to Frank N. Nisley, Jr. & Hays C. Wilson d/b/a Nisley & Wilson, 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 8th day of November, 19 44

R

(Decision No. 22851)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE L. DURAN, OF 1100 NICKERSON)
AVENUE, TRINIDAD, COLORADO.) PERMIT NO. C-15457
)
)
)

November 8, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe L. Duran of Trinidad, Colorado, requesting that his Permit No. C-15457 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-15457, heretofore issued to Joe L. Duran, be, and the same is hereby, declared cancelled effective October 21, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry L. Doherty

Malcolm Ericksen

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 8th day of November, 1944

R

(Decision No. 22852)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF SIBLEY BROTHERS, OF BYERS, COLORADO.) PUC. 845

November 13, 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 holders requesting that Certificate No. 845 be suspended.

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

O R D E R

IT IS ORDERED:

That Sibley Brothers be, and they hereby are, authorized to suspend their operations under PUC 845 for a period of not to exceed six months from October 28, 1944.

That unless said Sibley Brothers 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 common carrier certificates, 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 13th day of November, 1944.

R

(Decision No. 22853)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF THE COLORADO-ARIZONA EXPRESS, INC., OF P. O. BOX 1542, PHOENIX, ARIZONA.	))))	PUC. 1552-I

November 13, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-mentioned company requesting that its certificate, PUC 1552-I, be suspended.

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

O R D E R

IT IS ORDERED:

That the Colorado-Arizona Express, Inc., be, and it is hereby, authorized to suspend its operations under PUC 1552-I for a period of not to exceed six months from October 25, 1944.

That unless said Colorado-Arizona Express, Inc., 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 interstate carrier certificates, 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 13th day of November, 1944.

R

(Decision No. 22854)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GIORDANO COAL COMPANY, 302 W. 9th, WALSENBURG, COLORADO.) PERMIT NO. B-3069
)
)
)

November 13, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Giordano Coal Company of Walsenburg, Colorado, requesting that his Permit No. B-3069 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-3069, heretofore issued to the Giordano Coal Company, be, and the same is hereby, declared cancelled effective October 13, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Osborn

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 19 44

R

(Decision No. 22855)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF F. R. AND W. E. CONARD, DOING BUSINESS AS CONARD BROTHERS, OF 5801 N. FEDERAL BLVD., DENVER, 11, COLORADO.

PERMIT NO. B-2716

November 13, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. E. Conard, requesting that Permit No. B-2716, heretofore issued by the Commission to F. R. and W. E. Conard, doing business as Conard Brothers, be suspended.

After 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 F. R. and W. E. Conard, doing business as Conard Brothers, be, and they hereby are, authorized to suspend their operations under Permit No. B-2716 for a period of not to exceed six months from October 15, 1944.

That unless said F. R. and W. E. Conard, doing business as Conard Brothers, 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 13th day of November, 1944.

R

(Decision No. 22856)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
F. E. McCALL, DOING BUSINESS AS)
"DALLAS TRANSFER & STORAGE COMPANY,")
LA JUNTA, COLORADO, FOR AUTHORITY) APPLICATION NO. 1313-B-AA
TO TRANSFER PUC NO. 355 TO RONALD M.)
JACKSON, DOING BUSINESS AS "DALLAS)
TRANSFER & STORAGE COMPANY.")

November 10, 1944.

Appearances: F. E. McCall, La Junta, Colorado, pro se;
Ronald M. Jackson, Rocky Ford, 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:

On May 3, 1929, by Decision No. 2179, A. Dallas, doing business as "Dallas Transfer and Storage Company," was authorized to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of:

> freight and merchandise one point to another within the City of La Junta, and the transportation of household goods, farm machinery, hay, grain, livestock, farm produce, and farm supplies in that certain territory within a radius of twenty miles north, east, and south of said city of La Junta, with the proviso that applicant should not operate on schedule, except within the City of La Junta, if demanded.

By Decision No. 2767, of date February 28, 1930, said authority was extended to include:

> the conduct of a transfer, moving and general cartage business in the Counties of Bent, Otero, Pueblo, Crowley, Las Animas, Kiowa, Prowers, and Baca, and for occasional service throughout the State of Colorado, and in each of the counties thereof, with the provisos 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 twenty per cent higher in all cases than those charged by scheduled carriers; that applicant shall not operate on schedule between any points; that applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than La Junta for the purpose of developing business.

Thereafter, with the consent of the Commission (Decisions Nos. 11977 and 12066) said A. Dallas transferred said operating rights to F. E. McCall, doing business as "A. Dallas Transfer and Storage Company," who now seeks authority to transfer this certificate to Ronald M. Jackson, doing business as "Dallas Transfer & Storage Company," ~~Rocky Ford, Colorado~~,

The matter was set for hearing, and heard, at Denver, Colorado, on November 1, 1944, where it appeared that the consideration for the transfer of said certificate and certain office equipment and supplies is the sum of Twenty-five Hundred Dollars ($2500.00); that transferor also has agreed to transfer some motor equipment to transferee; that there are no outstanding unpaid operating obligations; that the consideration is to be paid when the transfer is approved by this Commission; that transferee will operate as "Dallas Transfer & Storage Company"; that ton-mile tax deposit is to be returned to transferor.

The matter was taken under advisement.

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 F. E. McCall, doing business as "Dallas Transfer & Storage Company," La Junta, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 355 (Decision Nos. 2179 and 2767) to Ronald M. Jackson, doing business as "Dallas Transfer & Storage Company", ~~Rocky Ford, 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 ton-mile tax deposit shall be returned to transferor.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

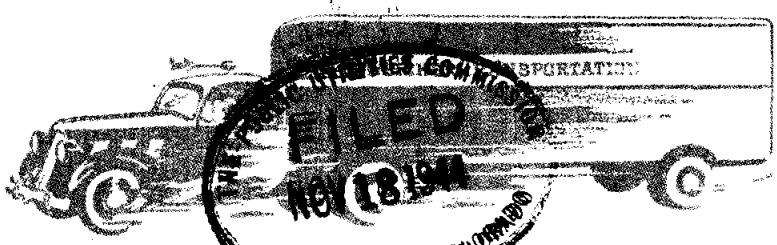
Dated at Denver, Colorado,
this 10th day of November, 1944.

BH

THE WEICKER TRANSFER & STORAGE COMPANY

INCORPORATED 1899

TRANSPORTATION DIVISION



FILED
NOV 18 1944
THE STATE OF COLORADO

"Navy Yard"
1901 - 7th St.
Denver

2 ✓

GENERAL OFFICE AND WAREHOUSES, 1700 FIFTEENTH STREET FIREPROOF DEPOSITORY, 2100 EAST COLFAX AVE. AT VINE STREET

BOX 5210 TERMINAL STATION DENVER, COLORADO TELEPHONE MAIN 3221

November 17, 1944

Change original - delete "Rocky Ford". E.P.

The Public Utilities Commission
State Office Bldg.
Denver, Colorado

Gentlemen:

In your decision #22856, November 10, 1944, Application #1313-B-AA, you have authorized transfer of P. U. C. Certificate #355 from F. E. McCall, d.b.a. Dallas Transfer & Storage Company, LaJunta, Colorado, to Ronald M. Jackson, d.b.a. Dallas Transfer & Storage Company, Rocky Ford, Colorado.

We believe at the hearing at Denver on November 1, 1944, testimony was offered to the effect that Ronald M. Jackson would operate the Dallas Transfer & Storage Company at LaJunta, Colorado and not at Rocky Ford, Colorado, or in other words, there would be no change in the operation of that certificate at LaJunta, Colorado except ownership of the certificate.

It is our desire that Decision #22856 be vacated and a new order issued authorizing transfer of all right, title and interest in and to P. U. C. #355 to Ronald M. Jackson, d.b.a. Dallas Transfer & Storage Company, LAJUNTA, COLORADO.

We shall appreciate this change being made as soon as possible.

Very truly yours,

THE WEICKER TRANSFER & STORAGE COMPANY
TRANSPORTATION DIVISION

A. J. Fregeau

A. J. Fregeau

AJF:G

(Decision No. 22857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF PHILIP SANDOVAL, 602 ADAMS STREET, TRINIDAD, COLORADO, FOR AUTHORITY TO LEASE PUC NO. 708 TO E. ABEYTA, 1421 ABEYTA STREET, TRINIDAD, COLORADO.	APPLICATION NO. 2150-ABA SUPPLEMENTAL ORDER

November 10, 1944.

S T A T E M E N T

By the Commission:

On August 23, 1944, by Decision No. 22636, the lease by Philip Sandoval of his certificate of public convenience and necessity No. 708 to E. Abeyta was approved.

Under date of September 22, 1944, said Sandoval and Abeyta stated that by mutual agreement, said lease had been cancelled, and asked that our records be changed to show Philip Sandoval as operator.

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 cancellation of lease approved by our Decision No. 22636 be, and the same hereby is, approved, and that our records be changed to show Philip Sandoval, as operator of said certificate instead of E. Abeyta.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1944.

BH

(Decision No. 22858)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

RE MOTOR VEHICLE OPERATIONS OF PARKINSON TRANSFER AND TRANSPORTATION COMPANY, DELTA, COLORADO.	))))	PRIVATE PERMIT NO. A-60 P.U.C. NO. 934

November 10, 1944.

S T A T E M E N T

By the Commission:

On March 27, 1944, by Decision No. 22118, Thomas C. Parkinson, doing business as "Parkinson Transfer and Transportation Company," Delta, Colorado, was permitted to suspend operations under Private Carrier Permit No. A-60 and Common Carrier Certificate No. 934 for a period of six months from March 31, 1944, with the proviso that prior to the expiration of said suspension period, he should make request in writing for reinstatement of his certificate and permit, and otherwise comply with our rules and regulations applicable to common carrier certificates and private carrier permits, or said certificate and permit, without further action on the part of the Commission, should stand revoked, without right to reinstate,

On September 28, 1944, he filed equipment slips and under date of September 30, 1944, formally requested reinstatement of said permit and certificate, stating that he had obtained the necessary insurance.

After careful consideration of the record, the Commission is of the opinion, and finds, that said Permit No. A-60 and said PUC No. 934 should be reinstated and made effective as of date September 30, 1944.

O R D E R

IT IS ORDERED:

That Private Carrier Permit No. A-60 and Common Carrier Certificate No. 934 be, and the same hereby are, reinstated and restored to active status,

as of September 30, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1944.

BH

(Decision No. 22859)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF)
ROY KOHL, BRECKENRIDGE, COLORADO,)
FOR AUTHORITY TO TRANSFER A PORTION) APPLICATION NO. 5973-A
OF PUC NO. 1484 TO ELLIS B. WEBSTER,)
LEADVILLE, COLORADO.)

November 10, 1944.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for transferor.

S T A T E M E N T

By the Commission:

By Decision No. 19398, of date July 31, 1942, Roy Kohl was authorized to operate as a common carrier by motor vehicle for hire for the transportation:

> "on call and demand, between points within an area around Breckenridge bounded on the south by Hoosier Pass, on the west by Fremont Pass, on the east by Loveland Pass, and on the north by the Summit-Grand County line, of timber products, mining machinery and supplies, used household goods, livestock, farm products, farm equipment and farm supplies; ore and concentrates from mines and mills located within said area to mills in said area, and to Leadville, Kremmling, and Colorado City; coal from Kremmling and Leadville, Colorado, to points in said area; mining machinery and supplies, livestock, farm products, farm equipment and farm supplies from and to points in said area, to and from points in the State of Colorado, movements of mining machinery to points in the area to be limited to movements of less than seven tons; and used household goods from and to points in the area, to and from points west of the Continental Divide, and from points in the area to points east of the Continental Divide."

He now seeks authority to transfer to Ellis B. Webster the right to operate as a common carrier by motor vehicle, on call and demand, for the transportation of:

> ore and concentrates from mines and mills located within the area covered by his certificate to mills in said area, and to Leadville, Kremmling, and Colorado City.

The matter was set for hearing, and heard, at Denver, Colorado, on November 1, 1944, and taken under advisement.

It there appeared that Mr. Kohl has been extensively engaged in the transportation of ore and concentrates under his certificate; that he has four dump trucks, and has been satisfying the demands of mines in his territory until recently, when he has been unable to get sufficient help to operate the trucks; that Transferee Webster also has specialized in the transportation of ore and concentrates under his private carrier permit No. A-1868, which was issued in the summer of 1935; that he resides at Leadville, has thirteen trucks, and his net worth is approximately $45,000.00; that the consideration for the transfer of the operating right aforesaid and four dump trucks is the sum of Eight Thousand Dollars ($8,000.00); that there are no outstanding unpaid operating obligations against Mr. Kohl's operation; that ton-mile tax deposit is to be returned to him.

Ordinarily, we would not permit a transfer by a call and demand operator of a portion of his authority limited to transportation of particular commodities, where the carrier retains the right to transport the commodities not named in the transfer application. In the matter before us, the carrier, for many years, has specialized in the transportation of ore and concentrates, although he also has conducted the other operations authorized under his certificate. He has conducted such service intrastate. Manifestly, if we were to authorize a call and demand carrier who has not established an ore and concentrates transportation business to transfer out of his certificate the right to haul ore and concentrates, such permission would not be fair to those carriers who are engaged in operating ore and concentrates transportation services. Apparently such carriers recognize that such a situation does not here exist, for they have not appeared in opposition to the granting of the authority sought.

The Commission definitely is of the opinion that it would not be in the public interest to authorize transfer of a portion of an operating

right by a call and demand certificate-holder, ordinarily. However, from time to time we have granted certificates and private carrier permits to applicants, restricted to the transportation of ore and concentrates. It is a field of transportation service in which a number of operators believe they can specialize, and frequently do so. Since Mr. Kohl has established such a business, and since Mr. Webster, for many years, has engaged in such service, it would seem to be in the public interest to permit the transfer here sought to be made, said authority, however, not to be considered as a precedent in the future. Each application where a transfer of a portion of an operating right is sought, must be considered upon the facts appearing at the hearing thereon.

At the hearing, transferee agreed that that part of his permit No. A-1868 which authorizes service similar to or in competition with the authority here authorized to be transferred may be cancelled.

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted; that that portion of Private Carrier Permit No. A-1868 which authorizes operations similar to or in competition with the authority herein permitted to be transferred, should be cancelled.

O R D E R

IT IS ORDERED:

That Roy Kohl, Breckenridge, Colorado, be, and he hereby is, authorized to transfer to Ellis B. Webster, Leadville, Colorado, all his right, title and interest in and to that portion of PUC No. 1484 authorizing the transportation of:

> ore and concentrates from mines and mills located within the area around Breckenridge bounded on the south by Hoosier Pass, on the west by Fremont Pass, on the east by Loveland Pass, and on the north by the Summit-Grand County Line, to mills in said area, and to Leadville, Kremmling, and Colorado City.

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 a new certificate number be issued to transferee to cover operations under the authority herein transferred.

That hereafter said transferor shall not have the right to haul ores or concentrates under the certificate rights retained by him.

That that portion of Private Carrier Permit No. A-1868 which authorizes operations similar to or in competition with the authority herein permitted to be transferred, is hereby 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 10th day of November, 1944.

BH

(Decision No. 22860)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
R. E. ENSMINGER, HOLYOKE, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.) APPLICATION NO. 1803-A
571-I AND A PORTION OF PUC NO. 571)
TO C. O. BOGGS, STERLING, COLORADO.)

November 10, 1944.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on October 2, 1944, at 2:00 o'clock P.M., pursuant to notice.

On June 20, 1931, by Decision No. 3469, R. E. Ensminger, doing business as R. E. Ensminger and Sons, was authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

> livestock in less than carload lots to Denver from the territory bounded on the north by the County Line between the counties of Phillips and Sedgwick, on the east by the Colorado-Nebraska State Line, on the south by a line running east and west two miles south of Holyoke, and on the west by a line running north and south thirteen miles west of the Town of Holhoke, and for the transportation of freight, in general, from point to point within said territory, and between points in said territory and Denver, with the provisos that for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant should charge rates which in all cases should be at least twenty per cent in excess of those charged by the scheduled carriers; that he should not transport C.O.D. as a carrier; that he should not operate on schedule between any points, and that he should not have offices or agents in any town other than Holyoke.

On January 22, 1942, he was authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

> freight, in interstate commerce, only, between all points in Colorado and the Colorado State boundary line where all highways cross the dame.

Under his interstate operation, by authority of the Interstate Commerce Commission, he has engaged in the hauling of refined petroleum products over irregular routes, and for a number of years has furnished similar service, intrastate, under his intrastate authority.

He now seeks authority to transfer his interstate authority (PUC No. 571-I), to C. O. Boggs, Sterling, Colorado, and to transfer to said Boggs the right to transport petroleum products, in bulk, out of his intrastate authority (PUC No. 571), granted by Decision No. 3469.

At the hearing, it appeared that the consideration for the transfer of the permits covered by Interstate Commerce Commission Dockets No. MC-37498-Sub No. 1, and MC-37498-Sub No. 4, (Colorado Interstate Certificate No. 571-I), and that portion of transferor's intrastate rights heretofore mentioned (PUC No. 571), four tractors, four semi-trailers equipped with gasoline tanks, and a stock of parts and tools used by Ensminger in servicing said equipment, is the sum of Sixteen Thousand Dollars ($16,000.00); that said equipment and other property is to be transferred free and clear of indebtedness; that there are no outstanding unpaid operating accounts; that ton-mile tax deposit is to be transferred to the account of transferee; that transferee's net worth is approximately Forty-three Thousand Dollars ($43,000.00); that he is able and qualified to carry on the operation.

Transferee also asked that in the order authorizing transfer, we authorize the closing of the office at Holyoke, and the establishment of an office at Sterling, in lieu thereof, and strike the requirement:

> "That for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant should charge rates which in all cases should be at least twenty per cent in excess of those charged by the scheduled carriers,"

insofar as said proviso applies to the transportation of petroleum products, and that we authorize him to transfer petroleum products temporarily - the exact period of time not being stated - from Denver to Sterling and all points on U. S. Highway No. 34 east of Brush to the Kansas-Nebraska State

Line, specifically including Yuma and Wray, and points on U. S. Highway No. 138 east of Sterling, specifically including Julesburg.

Rule 6 (c) of our rules and regulations governing operation of motor vehicle carriers, in part, provides that an application for transfer:

> ". . . will not be entertained unless all the rights granted under said certificate are sought to be sold, assigned, leased, encumbered, or transferred, or the rights not so included are voluntarily abandoned, unless it should be made to appear to the Commission that the granting of such application will be in the public interest."

Ordinarily, we would not permit a transfer by a call and demand operator of the right to transport petroleum products, or livestock, or building materials, or household goods, or some one or more commodities where the carrier retains the right to transport the commodities not named in the transfer application. In the matter before us, the carrier, for many years, has specialized in the transportation of bulk petroleum products, although he also has conducted the other operations authorized under his certificate. He has conducted such service, intrastate, in connection with his interstate operations. Manifestly, if we were to authorize a call and demand carrier who has not established a petroleum transportation business to transfer out of his certificate the right to haul petroleum, such permission would not be fair to those carriers who are engaged in operating bulk petroleum transportation services. Apparently, such carriers recognize that such a situation does not here exist, for they have not appeared in opposition to the granting of the authority sought. Under the circumstances, it would seem that such transfer is consistent with the public interest. However, such finding as to this application should not be construed as a precedent for the future.

It would seem that the request for establishment of an office at Sterling for the handling of applicant's transportation service for the movement of refined petroleum products is not an unreasonable one. This change would not enlarge the operation or tend, directly or indirectly, to impair or affect the operations of other carriers. Also, we think the request to eliminate the twenty per cent differential should be granted in

view of fact that we have prescribed rates for movement of petroleum products in bulk in the plains area, and all "bulk petroleum products haulers"operate on call and demand. However, we cannot make the same finding on request to grant temporary authority for movement of petroleum products, as requested. The request is substantial, and we believe that it should be granted, if at all, only after hearing, although, as indicated at the hearing, the request for temporary authority perhaps would be granted if application were on file and interested carriers waived objections.

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority to transfer interstate operating rights of transferor and a portion of his intrastate operating rights, as heretofore set forth, should be granted; that transferee should be permitted to establish an office at Sterling, Colorado, without the right to maintain any other office or establish agents in any community except Sterling for the development of business; that the request for temporary authority should be denied; that application for removal of the twenty per cent differential over line haul rates should be granted.

O R D E R

IT IS ORDERED:

That R. E. Ensminger, doing business as "R. E. Ensminger and Sons", Holyoke, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 571-I to C. O. Boggs, Sterling, Colorado, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

That R. E. Ensminger, doing business as "R. E. Ensminger and Sons", Holyoke, Colorado, be, and he hereby is, authorized to transfer to C. O. Boggs, Sterling, Colorado, all his right, title, and interest in and to that portion of PUC No. 571 in so far as it authorizes the transportation of petroleum products,-

from point to point within the territory bounded on the north by the County Line betweeh the Counties of Phillips and Sedgwick, on the east by the Colorado-Nebraska State Line, on the south by a line running east and west two miles south of Holyoke, and on the west by a line running north and south thirteen miles west of the Town of Holyoke, and between points in said territory and Denver, with the proviso that between points served singly or in combination by scheduled carriers, transferee shall not operate on schedule between any points. He shall not be required to charge rates 20% in excess of those charged by said carriers operating on schedule, but shall charge rates prescribed by the Commission for such service.

That transferee be, and he hereby is, authorized to establish an office in Sterling, Colorado, without the right to maintain branch offices or agents in any town other than Sterling.

That a new certificate number be issued to transferee to cover operations under the authority herein transferred.

That ton-mile tax deposit credited to account of transferor on Interstate Permit 571-I shall be transferred to the credit of transferee.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee insofar as intrastate operations are concerned, until changed according to law and the rules and regulations of this Commission.

That request for temporary authority 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 10th day of November, 1944.

BH

(Decision No. 22861)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES MC MILLAN AND THE MC MILLAN TRANSFER AND STORAGE COMPANY, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 350 TO CHARLES H. SPENCE, FORT COLLINS, COLORADO.

APPLICATION NO. 1306-AAA

IN THE MATTER OF THE APPLICATION OF M. M. MC MILLAN, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-623 TO CHARLES H. SPENCE, FORT COLLINS, COLORADO.

APPLICATION NO. 3209-PP-AB-A

November 14, 1944.

Appearances: Charles H. Spence, Fort Collins, Colorado, pro se.

STATEMENT

By the Commission:

The above matters were heard at Fort Collins, Colorado, on October 22, 1943. The Commission was advised by telephone just prior to the hearing, by the Secretary of the Commission in Denver, that Charles McMillan had understood that the hearing was to be held in Denver. The Secretary was instructed to advise Mr. McMillan that in the event his presence was necessary, the matter would be vacated. However, upon the hearing, it was determined that Mr. McMillan's presence was not necessary.

The above matters were consolidated for hearing, inasmuch as they involved identical contracts.

Heretofore, The McMillan Transfer, Coal & Storage Company was authorized to conduct a:

> transfer, moving and general cartage business in the Counties of Larimer, Boulder and Weld, in the State of Colorado, and for occasional service throughout the State of Colorado, and

> in each of the counties thereof, for transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which shall be as much as twenty percent higher in all cases than those charged by scheduled carriers; applicant shall not operate on schedule between any points; applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Fort Collins for the purpose of developing business.

Subsequently, said authority (PUC No. 350) was transferred, by authority of this Commission, to The McMillan Transfer & Storage Company, a corporation.

By the instant application (No. 1306-AAA), The McMillan Transfer and Storage Company, and Charles McMillan, seek approval of lease to, and option to purchase by, Charles H. Spence, Fort Collins, Colorado, of PUC No. 350.

M. M. McMillan, deceased wife of Charles McMillan, was the holder of Permit No. A-623 at the time of her death, authorizing the transportation of:

> freight between Fort Collins and Pueblo and intermediate points, via Highways Nos. 285 and 85; between Fort Collins and Sterling and intermediate points via Greeley; between Fort Collins and Denver via Greeley over Highways Nos. 14 and 85; between Fort Collins and Colorado-Wyoming State Line via Highway No. 285, and Colorado Highway No. 1; between Fort Collins and Walden via Highway No. 14, and intermediate points; between Fort Collins and Estes Park via Highways Nos. 285 and 16, and intermediate points; with the right to use, as an alternate route, State Highway No. 185 from the intersection of said Highway No. 185 with State Highway No. 14, five miles east of Fort Collins, south to Denver, Colorado (without the right to serve intermediate points on said Highway No. 185).

The McMillan Transfer and Storage Company, and Charles McMillan, now seek approval of lease to, and option to purchase by, Charles H. Spence, Fort Collins, Colorado, of said permit.

It appeared from the evidence of Spence that The McMillan Transfer and Storage Company is now defunct; that, so far as witness knew, the stock was owned by Charles McMillan, M. M. McMillan, his deceased wife, and

his father, now deceased.

It is apprent, therefore, that the rights of heirs and perhaps of third parties will be involved, both with respect to the proposed lease and option of PUC No. 350, in which Charles McMillan and The McMillan Transfer and Storage Company appear in application as owners, and with respect to lease and option of Permit No. A-623, in which M. M. McMillan appears in application as owner.

The so-called "application for transfer" is not, in reality, an application for transfer, but is an application for approval of lease and option to purchase.

Attached to the file in Application No. 1306-AAA, are executed copies of agreement entered into June 15, 1943, between Charles McMillan and Charles H. Spence, agreement entered into September 30, 1943, between Charles McMillan and Charles H. Spence, and Lease and Option entered into August 27, 1943, between Charles McMillan and The McMillan Transfer and Storage Company, as first parties, and Charles H. Spence, as second party. These agreements and lease and option were made a part of the record.

Spence testified that the Financial Statement filed October 7, 1943, with the Commission showing his net worth of $1,700.00 is correct. This Financial Statement was made a part of the record.

Spence also testified that the List of Equipment of The McMillan Transfer and Storage Company being transferred to Spence, to be used in the continued operation of the business, filed with the Commission October 7, 1943, is substantially correct. This List of Equipment was made a part of the record.

Spence testified that he had worked for The McMillan Transfer and Storage Company for approximately six or seven years, and understands thoroughly the operation of the authorities heretofore granted in the above matters, and he has had considerable experience in the moving business, and is capable to carry on the operation.

The financial responsibility and operating reliability of Spence

were established to the satisfaction of the Commission.

The Commission finds that the agreement of June 15, 1943, the agreement of September 30, 1943, and the lease and option of August 27, 1943, should be approved by the Commission, subject, however, to the rights of all heirs of Adam E. McMillan, the deceased father of Charles McMillan, and of M. M. McMillan, the deceased wife of Charles McMillan, and of third parties.

O R D E R

IT IS ORDERED:

That the agreements entered into on June 15, 1943, and September 30, 1943, between Charles McMillan and Charles H. Spence, and lease and option entered into August 27, 1943, between Charles McMillan and The McMillan Transfer & Storage Company, as first parties, and Charles H. Spence, as second party, are hereby approved, subject, however, to the rights of all heirs of Adam E. McMillan, the deceased father of Charles McMillan, and of M. M. McMillan, the deceased wife of Charles McMillan, and of third parties.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee for operations under PUC No. 350, until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under Permit No. A-623 by authority of 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 operating rights 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 14th day of November, 1944.

mw

(Decision No. 22862)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY L. GEORGE, VONA, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-1317.

APPLICATION NO. 2943-PP-AB

November 14, 1944

Appearances: Roy L. George, Vona, Colorado, pro se.

S T A T E M E N T

By the Commission:

On February 25, 1936, by Decision No. 7257, William Barber, of Vona, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> farm supplies, farm equipment, farm products, feed and coal, from point to point in the area described as follows: beginning at the Town of Seibert, thence north along State Highway No. 59 a distance of 22 miles, thence east 11 miles, thence south 22 miles to U. S. Highway No. 40-north, thence west along Highway 40-north a distance of 11 miles to the place of beginning, it being understood that applicant shall have the right to use Highway No. 57 in the conduct of his operation; the transportation of farm products from said area to Burlington and Stratton with back-haul of farm supplies, and the transportation of livestock from point to point in said area and between said area and sales at Sterling, Colorado.

Subsequently, Roy L. George, pursuant to authority granted by Decision No. 9339, acquired said permit from William Barber.

Said Roy L. George now seeks authority to extend his operations under said permit to include the right to transport the same commodities he is now authorized to haul under said permit, and household goods, between points within the area described as: beginning at Seibert, Colorado, on U. S. Highway No. 24, thence south along State Highway No. 59 to

the Kit Carson-Cheyenne County Line, thence east 11 miles along said county line to a point, thence north 18 miles more or less to U. S. Highway No. 24, thence west to the point of beginning, said Highway U. S. 24 formerly being known as "U. S. Highway No. 40-north," the north line of the territory here described being the south line of the territory he was authorized to serve under Decision No. 7257.

He also asks that he be authorized to haul livestock from the original territory and the extended territory to Denver.

The matter was set for hearing, and heard, in Denver, Colorado, on October 23, 1944, after due notice to all concerned, and was taken under advisement.

At the hearing, it appeared that there is a definite need for the service which applicant proposes to furnish his customers; that a large number of farmers in the extended area are unable to get for-hire transportation service, and many farmers in the area he is now authorized to serve have not been able to get adequate service for the movement of livestock to Denver.

No one appeared in opposition to the granting of the authority sought, and it did not appear that the proposed operation will impair the efficiency of any authorized common carrier service.

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 Roy L. George, Vona, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-1317 to include the right to transport the commodities he is now authorized to transport (Decision No. 7257), and household goods, between points within the area described as: beginning at Seibert, Colorado, on U. S. Highway No. 24, thence south along State Highway No. 59 to the Kit Carson-Cheyenne County Line, thence east 11 miles along said county line to a point, thence north 18 miles more or less to U. S. Highway No. 24, thence west to the point of beginning, said Highway U. S. 24 formerly being known

as "U. S. Highway No. 40-north," (the north line of the territory herein described being the south line of the territory he was authorized to serve under Decision No. 7257); livestock from points in original territory authorized to be served (Decision No. 7257), as well as from points in the territory herein authorized to be served, to Denver, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of November, 1944.

mw

(Decision No. 22863)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CARTER H. DUNAWAY, 675 BIRCH STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6715-PP

November 14, 1944

Appearances: Harry N. Ruston, Esq., Denver, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, and
Truman A. Stockton, Jr., Esq., 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 Denver, Colorado, on October 5, 1944, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of aircraft parts and equipment -- damaged and otherwise -- between points within the State of Colorado.

It developed that applicant proposes to service wrecked planes; that, ordinarily, in case of plane accidents or crashes, it is necessary for an experienced mechanic to proceed to the point of accident with equipment and repair parts to repair the plane, if possible, or in the event the plane cannot be repaired, to move it to some service point, such as Denver; that before the plane can be moved, it is necessary to remove the wings and some other parts, in order that it may be loaded on a truck, or trucks; that such service requires the service of an experienced man; that applicant has been flying planes for a considerable period of time; that while he is not a licensed mechanic, he has had extensive experience in repairing planes and transporting them by truck;

that he has the special equipment, extension bars, trailer, etc., that is required to handle a disabled or wrecked plane; that he does not propose to engage in commercial hauling of aircraft parts or equipment, his service to be limited as hereinbefore set forth.

No one opposed the granting of the authority sought.

The matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That Carter H. Dunaway, 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 aircraft parts and equipment -- damaged and otherwise -- between points in the State of Colorado, said service to be furnished only in connection with the repair, handling, or transportation of disabled or wrecked aircraft, as set forth in the Statement preceding, which, by reference, is made a part hereof.

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 effedtive 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 14th day of November, 1944.

mw

(Decision No. 22864)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GLEN GERALD SNYDER, 2946 FENTON STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6713-PP

November 14, 1944

S T A T E M E N T

By the Commission:

On August 7, 1944, applicant filed his application for 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 Denver to markets and storage points in said area, and coal from mines in the northern Colorado coal fields to the Denver metropolitan area.

The matter was set for hearing in Denver, Colorado, on October 4, 1944, due notice of the time and place being forwarded to applicant.

Notwithstanding said notice, he failed to appear.

However, the Commission elected to hear, and heard, said matter,

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

After careful consideration of the record, it not appearing that the proposed operation will impair the efficiency of any common carrier motor vehicle service, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Glen Gerald Snyder, 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 farm produce from farms within a radius of twenty-five miles of Denver to markets and storage points in said area, and coal from mines in the northern Colorado coal fields to the Denver metropolitan 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 contractsor 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 14th day of November, 1944.

mw

(Decision No. 22865)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ANDREW LOSASSO, ROUTE 5, BOX 244, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6712-PP

November 14, 1944

Appearances: J. Frederick Schneider, Esq., Denver, Colorado, for Grand County Transportation Company.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Denver, Colorado, on October 4, 1944, at 2:00 o'clock P. M., due notice of the time and place of 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.

Thereupon, Fred W. Reynolds, doing business as "Grand County Transportation Company," by his attorney, Frederick Schneider, 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 above-styled application be, and the same hereby is, dismissed for lack of prosecution.

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 14th day of November, 1944.

mw

(Decision No. 22866)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LIONEL RAMIREZ AND AARON SANCHEZ, 522 TENTH STREET, GREELEY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6711-PP

November 14, 1944

Appearances: Lionel Ramirez and Aaron Sanchez, Greeley, 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 farm products from farms within a radius of twenty miles of Greeley, Colorado, to warehouses, storage points, and loading docks in said area.

The matter was set for hearing, and heard, at Denver, Colorado, on October 4, 1944, and taken under advisement, no one appearing in opposition to the granting of the authority sought.

At the hearing, it appeared that applicants have a 1941 Dodge truck; that there is an unusual demand for trucking service in the Greeley area, on account of the large crop and scarcity of labor and trucks.

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

It did not appear that the proposed operation will impair the efficiency of any competing common carrier motor vehicle service in the area.

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 Lionel Ramirez and Aaron Sanchez, Greeley, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of farm products from farms within a radius of twenty miles of Greeley, Colorado, to warehouses, storage points, and loading docks 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 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 14th day of November, 1944.

mw

(Decision No. 22867

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF V. M. BENNETT AND LYNN J. BLACK, DOING BUSINESS AS B. & B. TRUCK LINE, OF ROUTE 1, BOX 51, CANON CITY, COLORADO.

PERMIT NO. B-3089

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-mentioned permittee requesting that Permit No. B-3089 be suspended for a period of six months.

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

O R D E R

IT IS ORDERED:

That V. M. Bennett and Lynn J. Black, doing business as B. & B. Truck Line, be, and hereby are, authorized to suspend operations under Permit No. B-3089 for a period of not to exceed six months from November 4, 1944.

That unless said V. M. Bennett and Lynn J. Black, doing business as B. & B. Truck Line, 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 22nd day of November, 1944.

R

(Decision No. 22868)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
THE BOARD OF COUNTY COMMISSIONERS OF)
WASHINGTON COUNTY, COLORADO, FOR)
AUTHORITY TO ESTABLISH A HIGHWAY) APPLICATION NO. 6753
CROSSING OVER THE RAILROAD OF THE)
CHICAGO, BURLINGTON & QUINCY RAIL-)
ROAD COMPANY AT AKRON, COLORADO.)

November 17, 1944.

S T A T E M E N T

By the Commission:

On October 18, 1944, the attorney for Chicago, Burlington & Quincy Railroad Company filed an application with the Commission for and in behalf of the Board of County Commissioners of Washington County, Colorado, and in which application the Railroad also joined, for the opening and establishment of a crossing, at grade, over the tracks of said railroad company at a point approximately 1000 feet east of the north-south center line of Section 7, Township 2 North, Range 25 West of the 6th Principal Meridian, in the town of Akron, Colorado.

In the application, it is alleged that the railroad company proposes to extend its passing track at the town of Akron, Colorado, 1250 feet to better handle its long modern freight trains, and when this track, as extended, is used by these trains, they will at times block use of the present grade crossing east of the aforesaid section line; that a new highway will have to be constructed on the south side of the railroad, as shown on the plat accompanying the application, from the said present crossing to the proposed crossing so that when present crossing over the side and main track is blocked by trains of the railroad, traffic on the highway from the south approaching this crossing can go via the proposed crossing to reach Highway No. 54 paralleling the tracks of the railroad on the north side of the railroad. The aforesaid present crossing is not to be closed and the particular use of the proposed crossing will be

when present crossing is blocked by trains on the passing track.

It was further stated that the proposed new crossing will not be unsafe, but will promote safety and avoid delay to highway travelers who might want to use present crossing when it is blocked by trains.

Inasmuch as all the parties concerned in this matter are represented by the joint applicants, and as the proposed crossing will be installed for the benefit of the public and railroad company without creating any additional hazards, it is the opinion of the Commission, and it so finds, that this application should be approved, and an order will now be made in the matter without any further proceedings.

O R D E R

IT IS ORDERED:

That in compliance with Section 29 of the Public Utilities Act, as amended, a public crossing, at grade, be, and is hereby permitted to be installed and established over the right-of-way and main track of the Chicago, Burlington & Quincy Railroad Company at a point approximately 1000 feet east of the north and south center line of Section Seven (7), Township Two (2) North, Range Twenty-five (25) West of the Sixth Principal Meridian, which point is in or near the town of Akron, Colorado; provided, however, that prior to the opening of said crossing to public travel, it shall be constructed in accordance with the plans and specifications of the Commission as provided in Case No. 879.

IT IS FURTHER ORDERED, That the expense incident to the installation of the aforesaid crossing shall be borne by the said Chicago, Burlington & Quincy Railroad Company, or by such arrangements as shall be mutually agreed upon between the railroad company and the Board of County Commissioners of Washington County, Colorado, and future maintenance of said crossing and its appurtenances, such as signs or cattle guards, if required, shall be borne by the railroad company.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1944.
BH

(Decision No. 22869)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF ALBERT WINTERS AND DONALD BARZ, MINTURN, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1209 TO ALBERT WINTERS, MINTURN, COLORADO.	)	APPLICATION NO. 2131-AA (2)

November 17, 1944.

Appearances: Albert Winters, Minturn, Colorado,
pro se;
Donald Barz, Minturn, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Pursuant to authority of the Commission granted in Decision No. 11755, S. A. Hammond, of Red Cliff, Colorado, transferred to Albert Winters and Donald Barz, doing business as "Minturn Bus Line," that portion of the certificate of public convenience and necessity granted to him by Decision No. 5292, which authorized the transportation of:

"Passengers between Minturn and Gilman",

he retaining the right to transport passengers between Red Cliff and Gilman, Colorado.

Said Donald Barz now seeks authority to transfer his interest in said operation so transferred (PUC No. 1209) to Albert Winters, he, in effect, withdrawing from said partnership.

The matter was heard at Leadville, Colorado, on October 27, 1944, and taken under advisement.

At the hearing, it appeared that there are no outstanding unpaid obligations against said operation; that the business has been a financial success; that Barz, about two years ago, left Minturn and said business, since that time, has been conducted by Winters, who has purchased the interest of his partner in the equipment and certificate; that ton-mile deposit is to

be transferred to the account of transferee, Albert Winters, doing business as "Minturn Bus Line."

After careful consideration of the record, the Commission is of the opinion, and finds, that the granting of the authority sought would be consistent with the public interest, and that transfer should be authorized.

O R D E R

IT IS ORDERED:

That Albert Winters and Donald Barz, doing business as "Minturn Bus Line," Minturn, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 1209 to Albert Winters, doing business as "Minturn Bus Line", Minturn, 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 ton-mile tax deposit shall be transferred to the account of transferee.

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, 1944.

BH

(Decision No. 22870)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF S. E. HOBART, DOING BUSINESS AS "NUNN TELEPHONE COMPANY," NUNN, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6710

Nov. 17, 1944.

Appearances: Kelly and Snyder, Esqs., Greeley, Colorado, for applicant;
Brock, Akolt and Campbell, Esqs., Denver, Colorado, and
John R. Turnquist, Esq., Denver, Colorado, for The Mountain States Telephone and Telegraph Company.

S T A T E M E N T

By the Commission:

This is an application by S. E. Hobart, doing business as "Nunn Telephone Company," Nunn, Colorado, for an order and certificate of public convenience and necessity, authorizing him to, or confirming his authority and right to, construct and maintain a communication system of telephone lines, switchboards, accessories, and appurtenances, in the Town of Nunn, and territory surrounding said town, as shown on applicant's Exhibit 1 offered at the hearing, being a map attached to the application, said territory being generally described as:

> Extending southerly from Nunn two and one-half miles, westerly from Nunn eight miles into Coal Bank Draw, northerly fifteen miles to a point within eight miles of the Colorado-Wyoming State Line, northeasterly twenty miles, generally in the valley of Lone Tree Creek and its tributaries, north of Pierce, in Weld County, Colorado,

which said system is now in operation, and is to be extended from time to time as the needs of the community served thereby may require.

At the hearing in Denver, Colorado, on October 4, 1944, it appeared that about the year 1911, applicant purchased a portion of the system which

he now operates; that since that time, he has maintained and operated said system, and progressively has extended and constructed said lines and system in the territory in Weld County adjacent to Nunn and extending to the south about two and one-half miles from Nunn, to the north about fifteen miles into the dry-land area known as the "Nunn and Lone Tree Creek and Owl Creek Valley," and westerly about six miles; that he has approximately seventeen miles of line, serving about seventy-five subscribers who reside in a territory covering approximately four hundred square miles; that the population of Nunn is approximately two hundred; that the service is an essential one in the community; that his lines connect with those of The Mountain States Telephone and Telegraph Company, toll service over its lines being available to his customers through their telephones; that he does not compete with any other telephone system; that in 1931, by Ordinance No. 62, being Exhibit NO. 3 at the hearing, he was granted a franchise by the Board of Trustees of the Town of Nunn, and under said franchise he is authorized to maintain a telephone system in the Town of Nunn for a period of twenty years from and after the date of the passage of the ordinance upon terms more particularly set forth in said ordinance, reference to which is hereby made; that he did not ask for a certificate of public convenience and necessity to extend his service, being under the impression that the same was not required; that for the same reason, he did not ask this Commission for authority to exercise the franchise rights granted by said Ordinance No. 62.

The matter was taken under advisement.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that public convenience and necessity required, and will require, the construction, operation and maintenance of the telephone system, telephone exchange, switchboards, lines, and appurtenances of applicant in the territory heretofore described within and adjacent to the Town of Nunn, Colorado, and requires the exercise of the franchise rights granted by the Town of Nunn by Ordinance No. 62 aforementioned; that the action of applicant in constructing said lines and system should be confirmed and approved, and a certificate of public

convenience and necessity issue therefor; that public convenience and necessity requires, and will require, the proposed extension of his lines to areas and territories within the boundaries of the territory described and shown on Exhibit 1 attached to the application, which, by reference, is made a part hereof, for the purpose of furnishing telephone communication service to and among the people residing in Nunn, Colorado, and said territory adjoining Nunn, and that certificate of public convenience and necessity should issue therefor; that a valuation of $1,000.00 should be placed on the system for the purpose of determining fees for issuance of certificate herein, the Commission, however, not to be bound by this figure in any subsequent rate investigation, should such investigation occur.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the continued exercise by applicant herein of the rights heretofore recognized or confirmed by the Public Utilities Act, or granted by the Town of Nunn, Colorado, including the exercise of franchise rights granted by Ordinance No. 62 of Town of Nunn, and the construction of a telephone system for the purpose of furnishing communication to the people of Nunn and adjacent territory; that public convenience and necessity require the construction of said telephone lines and system in the area adjacent to said Town of Nunn within the territory described in the Statement preceding this Order and shown within the yellow lines on the map attached to the application herein as "Exhibit 1", reference to which is hereby made, and the sale of communication or telephone service by applicant to the residents of said area; that said action is hereby confirmed and approved; that public convenience and necessity require the continued maintenance, use, and operation of said telephone system, and the proposed construction, operation, and maintenance by applicant of extensions thereto for the furnishing of communication service to other inhabitants of the territory heretofore mentioned; that this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file his rate schedules, rules and regulations and otherwise comply with the Commission's rules and regulations governing the operation of telephone systems, within twenty (20) days from the date hereof.

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, 1944.

BH

Original

(Decision No. 22871)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF FRED REIN, JR., DOING BUSINESS AS "REIN MILK TRANSPORT," 747 JACKSON STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND HIS OPERATIONS UNDER PUC NO. 454.	)	APPLICATIONS NOS. 1156-AAA-B 1560-A-BB 1771-AAA-BAB 1957-AAA-BAB

November 17, 1944.

Appearances: Jean Breitenstein, Esq., Denver, Colorado, and David J. McKee, Esq., Denver, Colorado, for applicant;
Truman A. Stockton, Jr., Esq., Denver, Colorado, and A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
W. H. Fuller, Brighton, Colorado, for Fuller Truck Line;
Frank Ciancio, Welby, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant, Fred Rein, Jr., doing business as "Rein Milk Transport," is the owner of PUC No. 454. Thereunder, he is authorized, by Decision No. 10585, to transport dairy products:

> from the territory described as: Beginning at the SE Corner of Sec. 12, T. 2-S., R. 67 W. of the 6th P.M., Adams County, Colorado; thence east 1 mile to the SE Corner of Sec. 7, T. 2 S., R. 66-W., thence north 2 miles to the NE Corner of Sec. 6, T. 2-S.R 66-W.; thence east 1 mile to the NE corner of Sec. 5, T. 2-S, R. 66-W.; thence north 2 miles to the SE corner of Sec. 20, T. 1-S., R. 66-W.; thence west 1 mile and a half to the S. quarter corner of Sec. 19, T. 1-S., R. 66-W.; thence north 1 mile to the S. quarter corner of Sec. 18, T. 1-S., R. 66-W; thence east 1½ miles to the NE corner of Sec. 20, T. 1-S., R. 66-W.; thence west 2 miles to the SE corner of Sec. 13, T. 1-S., R. 67-W; thence south 4 miles to the SE corner of Sec. 1, T. 2-S., R. 67-W.; thence north to the Brighton-Denver Highway; thence on said highway to the City and County of Denver.

By Decision No. 11143, he is authorized to transport:

milk and dairy products for customers residing in the area described as: Beginning at the SW corner of Sec. 19, T. 1-S., R. 66-W. of the 6th P.M.; Adams County, Colorado; thence east 9 miles to the SE corner of Sec. 21, T. 1-S., R. 65-W.; thence north 7 miles to the NE corner of Sec. 21, T. 1-N., R. 65-W.; thence west 6 miles to the SE corner of Sec. 16, T. 1-N., R. 66-W.; thence north 1 mile to the SE corner of Sec. 9, T. 1-N., R. 66-W.; thence west 1 mile to the NW corner of Sec. 16, T. 1-N., R. 66-W.; thence south 5½ miles to the west quarter corner of Sec. 9, T. 1-S., R. 66-W.; thence 2 miles west to the west quarter corner of Sec. 7, T. 1-S., R. 66-W.; thence south 2½ miles to the SW corner of Sec. 19, T. 1-S., R. 66-W., being the place of beginning from farms in said area to Brighton and Denver. Provided that applicant shall not engage in any transportation service for customers residing in any part of this area which is served by the Colorado Rapid Transit, and shall not engage in any transportation service in competition with the Fuller Truck Line.

By Decision No. 14181, he is authorized to transport:

Dairy products to Denver from points within the following territory and farm supplies from Denver to points within said territory: Sections 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, in T. 2-N., R. 65-W.; N½ of Sec. 2, N½ of Sec. 3, SW¼ of Sec. 3, Secs. 4, 5, 6, 7, 8, and 9, W½ of Sec. 10, SE¼ of Sec. 10, S½ of Sec. 11, S½ of Sec. 12, all of Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, and 34 in T. 1-N., R. 65-W.; Sections 4, 5, 6, 7, 8, 9, 17, and 18 in T. 1-S., R. 65-W.; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, and E½ of Sec. 17 in T. 1-S., R. 66-W.; Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, in T. 1-N., R. 66-W.; dairy products from both the original and originating territory and that described to Ione, Fort Lupton, Brighton, and Golden, as well as Denver, and transportation of farm supplies from Ione, Fort Lupton, Brighton, and Golden to both the territories described.

By Decision No. 21976, he is authorized to transport:

Freight from and to Denver, to and from points within, as well as to points within, the territory described as that part of the territory contained in PUC No. 410 which lies west of the first section line east of Keenesburg (said west part being described as follows: Commencing at a point on the east section line of Sec. 26, T. 2-N., R. 65-W., immediately east of Keenesburg; thence north 4 miles; thence west 8 miles; thence south 19 miles; thence east 8 miles; thence north 15 miles to the point of beginning.

By this application, as amended at the hearing at Denver, Colorado, on October 11, 1944, he asks authority to extend his operations to include the right to transport general commodities in less than truckload lots from Denver to points in the area served under his certificate, except from Denver to points on U. S. Highway No. 85, including Adams City and Dupont.

There was no objection to the granting of the extension sought, except service to Derby, which the Fuller Truck Line opposed. Mr. Fuller, however, stated that he had no objection to service to the Rocky Mountain Arsenal, which is at Derby.

The evidence in behalf of applicant as to the territory involved, except Derby, showed generally that the people there residing are without adequate service for the movement of freight, generally, and groceries and other merchandise, especially, from Denver; that most supply houses in Denver had discontinued their deliveries, and all freight must now move on the lines of for-hire carriers or be transported by the receiver, personally; that farmers need considerable supplies; that grocery stores, liquor dealers, churches, and business houses at Welby and other places in the area need the proposed service; that there has been no demand for service to points on U. S. Highway No. 85, except to Derby; that there has been considerable demand for service to the East Lake area, and at the time of hearing, applicant had considerable freight on his docks which apparently could not be shipped by truck to East Lake; that he has some freight at his dock which has been there for three months consigned to Derby. Why he would accept freight consigned to Derby when he does not have authority to serve said point, did not appear. The evidence further showed that farmers and merchants are unable conveniently to haul their freight; that it is difficult to obtain or maintain trucks, and still more difficult to get labor to operate them; that applicant has been hauling freight to Keenesburg and Hudson, using two trucks for that purpose daily, and has found that the service is considered essential by the people in that area.

Mr. William Alderessi, a tavern operator at Derby, stated that ordinarily in the past his whiskey had been delivered by the dealer, or he personally had hauled it; that recently the dealer has refuzed to deliver, and he has been unable to go after it; that his liquor has been shipped by Fuller Truck Line, but, on occasions, delivery has been delayed two or three days, and on one occasion, was delayed four days.

In opposition, Mr. Fuller stated that for many years prior to now, he had regularly served Derby to the satisfaction of his customers; that his freight hauled to Derby was reported in his wheel-tax report under the heading "Adams City;" that, on account of O.D.T. requirements, he has been compelled to leave Denver late, being unable to get a full truck load earlier in the afternoon; that he attempts to reach Brighton by six o'clock, and if very late out of Denver, sometimes hauls Derby freight through Derby, delivering it on the return trip the following morning; that very little freight moves to Derby, his principal customer being the Tempelton Grocery; that Mr. Tempelton recently has complained about his service on account of Fuller's inability to deliver meat before three o'clock; that, for a number of months, Bethke Truck Line has been hauling the meat, and he was under the impression that Tempelton was satisfied with the arrangement; that movement of freight to Derby, ordinarily, amounts to one or two tons monthly, consisting chiefly of minimum shipments; that during the war period, at times, it has amounted to as much as five tons monthly; that he has tried to furnish a satisfactory service in his territory, and has furnished the best service that he is able to and still comply with O.D.T. regulations; that he needs the business to Derby in order to continue his operations, and that the loss of the business involved in the proposed extension may mean the difference between operating in the black and operating in the red. He stated that specifically he had no objection to Rein serving the Arsenal, or serving points, including the three filling stations, between Derby and Hudson.

Upon the record made, we believe that a showing has been made

that public convenience and necessity require the service proposed by applicant. By stipulation, most of the controverted points were eliminated. The only serious question left for us to decide is whether the showing made justifies the granting of authority to serve Derby. Undoubtedly, Mr. Fuller, for many years, adequately served the people and businessmen of Derby. It is true that little service was required. Most of the freight consigned to merchants was delivered in shipper-owned trucks or handled by the consumer personally from Denver to his place of business. With the advent of the war, the situation changed -- not only as to the needs of the consumers, but as to the ability of the carrier to serve. Mr. Fuller, prior to the war, operated four or five trucks daily. He could deliver freight when it was needed. Probably most of the perishable freight was delivered by the wholesaler directly to the merchant when he wanted it. On account of O.D.T. regulations, Mr. Fuller can move only with a loaded truck. This, necessarily, delays the delivery of freight to the Tempelton Grocery to a late hour in the afternoon -- in fact, too late to meet Mr. Tempelton's requirements. Mr. Fuller is not in a position to remedy the situation. Rein can deliver the freight when Tempelton needs it. The meat now is being delivered by Bethke, but a check of our records shows that Mr. Bethke does not have authority to deliver meat or any other commodity to Derby. If we deny the application, it means that Tempelton and his customers cannot get their fresh meat, and perhaps other commodities, when needed. On the other hand, if we grant the application, it means some loss of revenue for Mr. Fuller. The rule which is elementary is that a certificate should not be granted for a competing service when the existing service is adequate, or can be made adequate by the carrier. Apparently, under present conditions, the carrier cannot make his service to Derby adequate. No doubt, after the war, he can renew his former adequate service. It would seem that the application should be granted, and that service to Derby should be allowed during the war.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require, and will require, the proposed extended common carrier motor vehicle service of applicant for the transportation of general commodities in less then truckload lots, from Denver to points in the area he is authorized to serve under his certificate, PUC No. 454, as set forth in the Statement preceding, which, by reference, is made a part hereof, except from Denver to points on U. S. Highway No. 85, including Adams City and Dupont, with the condition or proviso that said service to Derby shall cease and terminate upon the termination of the war between the United States and Germany, unless, for some good cause shown, said period of time may be extended, and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the proposed extended common carrier motor vehicle service of Fred Rein, Jr., for the transportation of general commodities, in less than truckload lots, from Denver to points in the area served under his certificate (PUC No. 454), except from Denver to points on U.S. Highway No. 85, including Adams City and Dupont, with the proviso that service to Derby shall cease upon the termination of the war between the United States and Germany, unless, for good cause shown, said period of time may be extended, 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 and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

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

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

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 17th day of November, 1944.

Bll

(Decision No. 22872)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
ELMER SMITH, GRANBY, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 6748-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 17, 1944.

Appearances: Myron H. Burnett, Esq., Denver, Colorado, for The Colorado Motor Carriers' Association;
John Norman, Kremmling, Colorado, for Grand County Transportation Company.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Denver, Colorado, on October 25, 1944, at 10:00 o'clock A. M., due notice of the time and place of 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.

Thereupon, protestants 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 above-styled 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 17th day of November, 1944.

BH

(Decision No. 22873)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PAUL H. SAKAWYE, 2946 HUMBOLDT STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2919 TO PAUL H. SAKAWYE AND STANLEY SAWICK, CO-PARTNERS, DOING BUSINESS AS "S & S SERVICE CO.," 901 EAST ALAMEDA AVENUE, DENVER, COLORADO.

APPLICATION NO. 6294-PP-A

November 18, 1944

S T A T E M E N T

By the Commission:

On April 10, 1943, by Decision No. 20778, Paul H. Sakawye was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> hay, only, from Jefferson, Colorado, to Denver, Colorado, on U. S. Highway No. 285; farm products of all kinds from farms within a radius of forty miles of Denver, to Denver, excluding service in Boulder, Clear Creek, and Gilpin Counties, and also excluding movements of such commodities between towns on U. S. Highway 85.

On August 21, 1944, applicant filed his petition with the Commission for authority to transfer said permit to Paul H. Sakawye and Stanley Sawick, doing business as "S & S Service Co.," Denver, Colorado.

The matter was set for hearing, at Denver, Colorado, on October 2, 1944, due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicants failed to appear.

However, at the time and place appointed for hearing, the files of the Commission in said matter were made a part of the record, and the matter taken under advisement.

After careful consideration of the record, the Commission, being sufficiently satisfied as to the operating reliability and experience of transferees, finds that said transfer is in the public interest, and that

the petition should be granted, and that ton-mile tax deposit be placed to the credit of transferees.

O R D E R

IT IS ORDERED:

That Paul H. Sakawye, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-2919 to Paul H. Sakawye and Stanley Sawick, co-partners, doing business as "S & S Service Co.," 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.

That ton-mile tax deposit shall be transferred to account of transferees.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1944.

mw

(Decision No. 22874)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HAROLD PARTRIDGE, DOING BUSINESS AS "PARTRIDGE TRANSFER AND HAULAGE," LEADVILLE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2613 TO DON R. BOWERS AND DALE HYSELL, DOING BUSINESS AS "B. AND H. TRANSFER," 217 WEST SIXTH, LEADVILLE, COLORADO.

APPLICATION NO. 5552-PP-A

IN THE MATTER OF THE APPLICATION OF HAROLD PARTRIDGE, DOING BUSINESS AS "PARTRIDGE TRANSFER AND HAULAGE," LEADVILLE, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO.1316 TO DON R. BOWERS AND DALE HYSELL, DOING BUSINESS AS "B. AND H. TRANSFER," 217 WEST SIXTH, LEADVILLE, COLORADO.

APPLICATION NO. 5035-AB-A

November 18, 1944

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 13886, as amended, Clyde G. Medley was authorized to operate as a common carrier by motor vehicle for hire, with authrity to:

> conduct a general transfer and cartage business in the City of Leadville, Colorado, and the area within a radius of five miles thereof; the transportation of ore, concentrates, mine and mill machinery, mine and mill supplies from point to point within a fifteen-mile radius of Leadville, Colorado, except transportation of ore and concentrates from Kokomo or Frisco to Leadville, and excluding service from that part of said radius, if any, lying east of the Continental Divide, and the transportation of ore from mines in Iowa Gulch, and Tiger Mines near Breckenridge, to smelter near Leadville; the transportation of telephone and electric light poles and line construction supplies from Leadville to points

(Decision No. 22874)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HAROLD PARTRIDGE, DOING BUSINESS AS "PARTRIDGE TRANSFER AND HAULAGE," LEADVILLE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2613 TO DON R. BOWERS AND DALE HYSELL, DOING BUSINESS AS "B. AND H. TRANSFER," 217 WEST SIXTH, LEADVILLE, COLORADO.

APPLICATION NO. 5552-PP-A

IN THE MATTER OF THE APPLICATION OF HAROLD PARTRIDGE, DOING BUSINESS AS "PARTRIDGE TRANSFER AND HAULAGE," LEADVILLE, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO.1316 TO DON R. BOWERS AND DALE HYSELL, DOING BUSINESS AS "B. AND H. TRANSFER," 217 WEST SIXTH, LEADVILLE, COLORADO.

APPLICATION NO. 5035-AB-A

November 18, 1944

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 13886, as amended, Clyde G. Medley was authorized to operate as a common carrier by motor vehicle for hire, with authority to:

> conduct a general transfer and cartage business in the City of Leadville, Colorado, and the area within a radius of five miles thereof; the transportation of ore, concentrates, mine and mill machinery, mine and mill supplies from point to point within a fifteen-mile radius of Leadville, Colorado, except transportation of ore and concentrates from Kokomo or Frisco to Leadville, and excluding service from that part of said radius, if any, lying east of the Continental Divide, and the transportation of ore from mines in Iowa Gulch, and Tiger Mines near Breckenridge, to smelter near Leadville; the transportation of telephone and electric light poles and line construction supplies from Leadville to points

> within a radius of forty miles of Leadville, Colorado; the transportation of hay, grain, and livestock from point to point in all that part of said fifteen-mile radius lying west of the Continental Divide; provided, however, that no authority is granted to render a service between towns on the line of scheduled common carriers in competition therewith,

and pursuant to authority contained in Decision No. 17010, transferred said operating rights to Harold Partridge, Leadville, Colorado.

On July 23, 1942, by Decision No. 19323, Partridge's authority was extended to include:

> the transportation of general commodities between points within a fifteen-mile radius of Leadville, Colorado, and to and from said points on the one hand, from and to points within the State of Colorado on the other hand, on a call and demand service, exclusive of any service to or from what is known as the Alma Mining District and the South Park area, provided that such service shall be limited to forty miles of Leadville for the transportation of telephone and telegraph poles, wire, and supplies therefor, and provided further that none of such service shall be conducted on regular routes or schedules, or directly compete with scheduled operations of presently established line haul carriers, in serving points within said fifteen-mile radius,

it further appearing at the hearing on said extension that said business was being conducted or operated by said Partridge, one Harry E. Smith, and Leslie B. Smith, in informal partnership.

No formal application to transfer to said partnership has been filed, but on the contrary, this application was filed on August 15, 1944, to transfer said certificate (PUC No. 1316), as extended, to Don R. Bowers and Dale Hysell, doing business as "B. and H. Transfer," Leadville, Colorado.

At the same time, application was filed by said Harold Partridge to transfer his Private Carrier Permit No. B-2613, issued in Decision No. 16826, which authorizes the transportation of:

> ore and concentrates from Johnnie Hill, Twin Lakes and St. Kevin mining districts near Leadville, to Arkansas Valley smelter near Malta; sand, gravel, road mix, and such construction materials as are ordinarily used to make surface of the road, from pits and supply points

in the State of Colorado to road construction jobs in said state, excluding service in Clear Creek, Boulder, and Gilpin Counties,

to the same transferees.

The matters were consolidated for hearing, and heard, at Leadville, Colorado, on October 27, 1944, where it appeared that said Harold Partridge is in the Army; that on March 4, 1941, he executed Power of Attorney running to Harry E. Smith to represent and act for him in all matters in which he was interested in the County of Lake or any other county of the State of Colorado, and to sell, convey, or otherwise dispose of any and all his property within the said counties, and to make any contracts or agreements of any nature or kind in respect to the Partridge general cartage and transfer business; that pursuant to said Power of Attorney and the informal partnership arrangement heretofore mentioned, said Smith, for Partridge, Leslie B. Smith, and himself, has contracted to sell the certificate and permit and other property to Don R. Bowers and Dale Hysell, doing business as "B. and H. Transfer," Leadville, Colorado, for a total consideration of Six Thousand Dollars ($6,000.00), payments to be made as provided in contract between said parties as described in the application herein; that outstanding operating obligations do not exceed the sum of Fifty Dollars ($50.00), all of which will be paid by transferor; that ton-mile tax deposit is to be returned to transferor; that transferees will operate as "B. and H. Transfer," pursuant to terms of written partnership articles on file with the Commission.

The matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that the transfers contemplated are consistent with the public interest, and that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Harold Partridge, doing business as "Partridge Transfer and Haulage," Leadville, Colorado, be, and he hereby is, authorized to

transfer all his right, title, and interest in and to Permit No. B-2613 to Don R. Bowers and Dale Hysell, doing business as "B. and H. Transfer," Leadville, 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.

That Harold Partridge, doing business as "Partridge Transfer and Haulage," Leadville, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1316 to Don R. Bowers and Dale Hysell, doing business as "B. and H. Transfer," Leadville, Colorado.

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

That ton-mile tax deposit shall be returned to transferor.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1944.

mw

(Decision No. 22875)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. W. SCHIERMEYER, 301 HARRISON AVENUE, LEADVILLE, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1340 TO EARL T. CARSON, 301 HARRISON AVENUE, LEADVILLE, COLORADO.	)	APPLICATION NO. 5267-A

November 18, 1944

Appearances: H. W. Schiermeyer, Leadville, Colorado, pro se;
Earl T. Carson, Leadville, Colorado, pro se.

S T A T E M E N T

By the Commission:

On February 13, 1940, by Decision No. 14837, H. W. Schiermeyer, doing business as "Leadville Transfer," was authorized to operate as a common carrier by motor vehicle for hire for the:

> conduct of a general transfer and cartage business for the transportation of freight, on call and demand, between all points within a radius of five miles of, and including, the City of Leadville.

He now seeks authority to transfer said operating rights to Earl T. Carson, doing business as "Leadville Transfer," Leadville, Colorado.

At the hearing, in Leadville, Colorado, on October 27, 1944, it appeared that the consideration for the transfer of certain equipment and the certificate is the sum of Eight Hundred Dollars ($800.00); that there are no outstanding unpaid accounts; that ton-mile tax deposit is to be returned to transferor; that transferee pecuniarily and otherwise, is qualified and able to carry on the operation.

The matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought is consistent with

the public interest, and the transfer should be authorized.

O R D E R

IT IS ORDERED:

That H. W. Schiermeyer, doing business as "Leadville Transfer," Leadville, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1340 to Earl T. Carson, doing business as "Leadville Transfer," Leadville, Colorado.

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

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

That ton-mile tax deposit is to be returned to transferor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1944.

mw

(Decision No. 22876)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. H. BEATTY AND IONE BEATTY, DOING)
BUSINESS AS "QUARTZITE TRANSPORTA-)
TION COMPANY," REDCLIFF, COLORADO,) APPLICATION NO. 6295-B
FOR PERMISSION TO EXTEND OPERATIONS)
UNDER PUC NO. 1513.)

November 18, 1944

Appearances: H. H. Beatty, Redcliff, Colorado, for applicants.

S T A T E M E N T

By the Commission:

On April 10, 1943, by Decision No. 20780, subject to certain conditions therein contained, H. H. Beatty and Ione Beatty, doing business as "Quartzite Transportation Company," were authorized to operate a common carrier motor vehicle taxicab passenger service:

> between Red Cliff, Colorado, and Camp Hale, Colorado, for the duration of the war, or during the continuance of Camp Hale as a United States Military Reservation, or until further order of this Commission.

They herein seek authority to extend their operations under said certificate to include the right to transport passengers between Red Cliff and Minturn, and Minturn and Camp Hale, said service to be performed at rates which are to be non-competitive with those charged by The Denver and Rio Grande Western Railroad Company and Rio Grande Motor Way, Inc., presently authorized carriers serving said points on schedule.

The matter was set for hearing, and heard, at Leadville, Colorado, on October 27, 1944, and taken under advisement.

It there appeared that, for a number of months, there has been an extensive demand for service between Minturn and Camp Hale;

that said Camp now has about five hundred occupants, although it is contemplated the camp will be abandoned soon; that Minturn is a division point on The Denver and Rio Grande Western Railroad Company, and demand for service between Red Cliff and Minturn by taxicab occurs frequently.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended motor vehicle common carrier taxicab service of applicants, and that certificate of public convenience and necessity should issue therefor, said service, insofar as service to Camp Hale is involved, to cease upon discontinuance of Camp Hale as a United States Military Reservation.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the proposed extended motor vehicle common carrier taxicab passenger service between Red Cliff and Minturn, and Minturn and Camp Hale, said service to be performed at rates which are non-competitive with those charged by The Denver and Rio Grande Western Railroad Company and Rio Grande Motor Way, Inc., and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor, said service, insofar as service to Camp Hale is involved, to cease upon discontinuance of Camp Hale as a United States Military Reservation.

The applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty (20) days from date.

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

This order is subject to compliance by 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1944.

mw

(Decision No. 22877)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DALBY MOTOR FREIGHT LINES, INC., LUBBOCK, TEXAS, FOR AUTHORITY TO TRANSFER PUC NO. 639-I TO D. G. DALBY, DOING BUSINESS AS "DENVER-AMARILLO EXPRESS," 99 SOUTH FILLMORE STREET, AMARILLO, TEXAS.	APPLICATION NO. 639-I-(A)
IN THE MATTER OF THE APPLICATION OF DALBY MOTOR FREIGHT LINES, INC., LUBBOCK, TEXAS, FOR AUTHORITY TO TRANSFER PUC NO. 145 TO D. G. DALBY, DOING BUSINESS AS "DENVER-AMARILLO EXPRESS," 99 SOUTH FILLMORE STREET, AMARILLO, TEXAS.	APPLICATION NO. 772-AAA
IN THE MATTER OF THE APPLICATION OF DALBY MOTOR FREIGHT LINES, INC., LUBBOCK, TEXAS, FOR AUTHORITY TO TRANSFER PERMIT NO. A-719 TO D. G. DALBY, DOING BUSINESS AS "DENVER-AMARILLO EXPRESS," 99 SOUTH FILLMORE STREET, AMARILLO, TEXAS.	APPLICATION NO. 4478-PP-AAA-A

November 18, 1944

Appearances: G. H. Little, Esq., Amarillo, Texas, for applicants.

S T A T E M E N T

By the Commission:

On June 5, 1934, Permit No. A-719 issued to C. W. Anderson, doing business as "Anderson Truck Line," Denver, Colorado, authorizing him to operate as a private carrier (contract carrier) by motor vehicle for hire:

> over U. S. Highway No. 85 between Greeley, Colorado and Colorado-New Mexico State Line and all intermediate points.

Subsequently, to-wit, on May 28, 1935, his authority was extended to include the right to move freight:

from Pueblo, Colorado to Colorado-Oklahoma State Line by way of Rocky Ford, La Junta, Lamar, and Springfield over Highways No. 50 from Pueblo to Lamar, and No. 59 from Lamar to State Line; also pickup of merchandise at Longmont and Fort Collins via U. S. 285 (now U. S. 87).

Subsequently, by authority of Decision No. 12493, William B. Webb and Albert H. Harper, co-partners, doing business as "Anderson Truck Line," acquired said permit from C. W. Anderson, and pursuant to Decision No. 13459, William B. Webb, doing business as "Inter-City Motor Freight," acquired the interest of Albert H. Harper in said operation. He (the said Webb), with the consent of the Commission (Decision No. 15809) under date of August 20, 1940, transferred said permit to Dalby Motor Freight Lines, Inc., Denver, Colorado.

Pursuant to authority granted by Decision No. 12670, A. R. Dalby, doing business as "Dalby Motor Freight Lines," acquired the interstate authority granted to Rainbow Truck Lines, Inc., in Application No. 2007-I, (PUC No. 639-I), who, by authority of the Commission granted in Decision No. 14216, transferred said interstate operating rights to Dalby Motor Freight Lines, Inc., a Texas corporation, with the proviso that authority thereunder should be limited to the operating rights:

"heretofore granted by the Interstate Commerce Commission (See Order MC-35320, dated May 9, 1939, and Order MC-FC-11359, dated June 24, 1939)."

On March 29, 1927, by Decision No. 1201, W. D. Paulson and J. M. Torrence, doing business as "Manitou Fuel and Transfer Company," were authorized to operate as common carriers by motor vehicle for hire for the:

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

Pursuant to order of the Commission dated October 21, 1943, Decision No. 21472, said Paulson and Torrence transferred said certificate to Dalby Transfer and Storage Company, Inc., which company, by authority of the Commission (Decision No. 22562) under date of August 5, 1944, transferred said operating rights to Dalby Motor Freight Lines, Inc.

On September 2, 1944, Dalby Motor Freight Lines, Inc., filed the above-styled applications to transfer said operating authorities to

D. G. Dalby, doing business as "Denver-Amarillo Express," Amarillo, Texas.

The matters were set for hearing, and after consolidation, were heard, in Denver, Colorado, on October 2, 1944, and taken under advisement.

At the hearing, it appeared that the Interstate Commerce Commission has authorized the transfer of interstate operating authority to D. G. Dalby, doing business as "Denver-Amarillo Express;" that transferee has filed the necessary insurance, customer lists, and otherwise has complied with the rules and regulations of the Commission which are conditions precedent to transfer; that transferee has net assets of approximately Thirty-Nine Thousand Dollars ($39,000.00); that he is to use the same equipment operated by transferor; that he has had approximately fifteen years experience as a motor vehicle for-hire operator; that ton-mile tax deposits of transferor are to be transferred to the account of transferee.

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

O R D E R

IT IS ORDERED:

That Dalby Motor Freight Lines, Inc., Lubbock, Texas, be, and it hereby is, authorized to transfer all its right, title, and interest in and to PUC No. 639-I, PUC No. 145, and Permit No. A-719, to D. G. Dalby, doing business as "Denver-Amarillo Express," Amarillo, Texas, transfer of interstate operating rights to be subject to the provisions of the Federal Motor Carrier Act of 1935.

The tariff of rates, rules and regulations of transferor shall become and remain those of the transferee under the common carrier authority herein transferred, until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under the private carrier authority herein transferred 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 operating rights herein authorized to be transferred.

That ton-mile tax deposit on file with the Commission shall be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1944.

mw

(Decision No. 22878)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
R. R. SMITH, WRAY, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 3025-PP-BAA
B-1496 TO LARRY GEARHART, WRAY,)
COLORADO.)

November 20, 1944.

Appearances: R. R. Smith, Wray, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

The above-styled application was called for hearing, pursuant to prior notice to all parties in interest, in Sterling, Colorado, on October 30, 1944, at 9:30 o'clock A. M., at which time and place transferor requested that said application be dismissed.

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 without prejudice.

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

Commissioners.

Dated at Denver, Colorado,
this 20th day of November, 1944.

BH

(Decision No. 22879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF HERMAN VOLLMERT, 308 EUCLID STREET, FORT MORGAN, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-2131 TO DONALD S. DOUGLAS, 413 PARK ST., FORT MORGAN, COLORADO.	)	APPLICATION NO. 4298-PP-A

November 20, 1944.

S T A T E M E N T

By the Commission:

On February 26, 1938, Herman Vollmert, of Fort Collins, Colorado, was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

> Milk and dairy products to Fort Morgan from farms within the area described as: Beginning at Fort Morgan, thence north a distance of 5 miles, thence east 7 miles, thence south 8 miles, thence west 7 miles, thence north 3 miles to the place of beginning, for the Northern Colorado Dairy Company; the transportation of sugar beets from farms within a radius of 6 miles of Fort Morgan to the factory therein, and the transportation of coal from the northern Colorado coal fields to customers residing within said six-mile area.

On April 19, 1938, by Decision No. 11735, the following authority was deleted from said operating rights:

> Transportation of coal from the northern Colorado coal fields to customers residing within the said six-mile area.

He now seeks authority to transfer said Permit No. A-2131 to Donald S. Douglas, Fort Morgan, Colorado.

The matter was set for hearing at Sterling, Colorado, on October 30, 1944.

Notwithstanding said parties were notified of the time and place of hearing, they failed to appear.

However, the Commission determined to hear, and did hear, said application in the absence of the parties. The files and records were made

a part of the record, and the matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that the proposed transfer is consistent with the public interest, and should be authorized.

O R D E R

IT IS ORDERED:

That Herman Vollmert, Fort Morgan, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-2131 to Donald S. Douglas, Fort Morgan, Colorado, said permit authorizing the transportation of:

> Milk and dairy products to Fort Morgan from farms within the area described as: Beginning at Fort Morgan, thence north a distance of 5 miles, thence east 7 miles, thence south 8 miles, thence west 7 miles, thence north 3 miles to the place of beginning, for the Northern Colorado Dairy Company; sugar beets from farms within a radius of 6 miles of Fort Morgan to the factory therein.

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 20th day of November, 1944.

BH

(Decision No. 22880)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF)
EVERETT DEVLIN AND HUGH DEVLIN, DO-)
ING BUSINESS AS "DEVLIN BROTHERS,") APPLICATION NO. 6749-PP
HALE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS PRIVATE)
CARRIERS BY MOTOR VEHICLE FOR HIRE.)

Nov. 20, 1944.

Appearances: Martin E. Stutheit, Idalia, Colorado, pro se;
Chalky Wilson, Esq., Sterling, Colorado, for Thornton Thomas, Paul G. Zimmerman, and W. K. McElfresh.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Sterling, Colorado, on October 30, 1944, at 9:30 o'clock A. M., due notice of the time and place of 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.

Thereupon, protestants 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 above-styled 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 20th day of November, 1944.
BH

(Decision No. 22881)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JESSE MC KINSTER, DOING BUSINESS AS "LARKSPUR TRUCK LINES," LARKSPUR, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1134 TO L. J. WASSAM, PALMER LAKE, COLORADO.

APPLICATION NO. 4021-AAA-BA

November 18, 1944

Appearances: L. J. Wassam, Palmer Lake, Colorado, pro se.

STATEMENT

By the Commission:

Pursuant to Decision No. 17297, dated June 27, 1941, J. L. Hammond acquired PUC No. 1134 from Ray F. Miller, who previously had acquired said certificate, being the authority granted in Decision No. 10458, from Edward Chipman and Harold G. Chipman, co-partners, doing business as "Chipman and Son." Said certificate authorizes the transportation of:

> milk to Larkspur, Colorado, from farmers and milk producers residing in the area described as: beginning at the Town of Elbert, Colorado; thence east 12 miles; thence south 5 miles, thence west to East Cherry Creek, a distance of approximately 21 miles; thence north along the east bank of Cherry Creek a distance of 9 miles; thence east a distance of 9 miles; thence south 4 miles to the point of beginning.

Pursuant to Decision No. 22179, Jess McKinster acquired said operating authority from J. L. Hammond, and he now seeks authority to transfer said certificate (PUC No. 1134) to L. J. Wassam, of Palmer Lake, Colorado.

The matter was set for hearing, and heard, in Denver, Colorado, on October 25, 1944, and taken under advisement.

At the hearing, it appeared that the consideration for the transfer of one truck, the business of transferor, and the certificate, is the sum of Twelve Hundred Dollars ($1200.00) in cash; that ton-mile tax deposit is to be transferred to the account of transferee.

It also appeared that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and that there are no outstanding unpaid operating accounts against the business.

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 Jesse McKinster, doing business as "Larkspur Truck Lines," Larkspur, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1134 to L. J. Wassam, Palmer Lake, Colorado.

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

That ton-mile tax deposit shall be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1944.

mw

(Decision No. 22882)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE RICHARD, WELLINGTON, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-1284 TO R. T. WIGGINS AND W. H. O.) APPLICATION NO. 2436-PP-BB-A
UZZELL, 1009 WEST MT. AVENUE, FORT)
COLLINS, COLORADO.)

November 18, 1944

Appearances: Joe Richard, Wellington, Colorado, pro se;
R. T. Wiggins, Fort Collins, Colorado, pro se;
W. H. O. Uzzell, Fort Collins, Colorado, pro se.

S T A T E M E N T

By the Commission:

On February 5, 1936, by Decision No. 7154, authority was granted to Joe Richard, Wellington, Colorado, to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> milk and dairy products for farmers living in the area described as follows: beginning at Fort Collins, thence one mile west thereof, thence north a distance of 20 miles, thence east a distance of 8 miles, thence south a distance of 20 miles, thence west 7 miles to the point of beginning, to the cheese factory at Fort Collins, with a back-haul of water and empty milk cans to milk customers; farm products from the above-described area to Fort Collins; coal from the northern Colorado coal fields to customers living within the above-described area; skim milk from Fort Collins to the condensery at Larkspur, Colorado, for the Carlson-Frink Creamery Company, and salt from plant to plant for said firm.

By Decision No. 14993, said authority was extended to include the transportation of:

> milk, only, from the territory described as: beginning at Fort Collins, thence one mile west thereof, thence north a distance of 20 miles, thence east a distance of 8 miles, thence south a distance of 20 miles, thence west 7 miles to the point of beginning, to

plants and condenseries located within 100 miles of Wellington, Colorado, for the Frink Dairy Company, only, without the right to add to number of his customers under this extension.

By Decision No. 20736, said Joe Richard was authorized to extend operations under his Permit No. B-1284 to include the right to transport:

> milk to Johnstown, Colorado, for the territory described as: beginning at the southwest corner of Section 2, Township 8-North, Range 69-West, thence west 3 miles to the southeast corner of Section 6, thence north 13 miles, thence east 3 miles, thence south 13 miles, to the point of beginning, with back-haul of empty cans.

He now seeks authority to transfer said permit to R. T. Wiggins and W. H. O. Uzzell, of Fort Collins, Colorado.

At the hearing, in Denver, Colorado, on October 31, 1944, it appeared that the consideration for the transfer of said permit and some equipment is the sum of Six Thousand Dollars ($6,000.00); that transferee R. T. Wiggins is an experienced milk hauler, he, for a number of years, having operated under PUC No. 1595; that ton-mile tax deposit is to be returned to transferor.

The matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that the proposed transfer is consistent with the public interest, and should be authorized.

O R D E R

IT IS ORDERED:

That Joe Richard, Wellington, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1284 to R. T. Wiggins and W. H. O. Uzzell, Fort Collins, 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.

That ton-mile tax deposit be returned to transferor.

This order is made a part of the permit authorized to be trans-

ferred, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1944.

mw

(Decision No. 22883)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. S. THOMPSON, KIM, COLORADO, FOR AUTHORITY TO TRANSFER A PORTION OF PUC NO. 853 TO R. A. MOORE, KIM, COLORADO.	APPLICATION NO. 2928-BA
IN THE MATTER OF THE APPLICATION OF R. A. MOORE, KIM, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 6586

November 18, 1944

Appearances: R. S. Thompson, Kim, Colorado, pro se;
R. A. Moore, Kim, Colorado, pro se.

S T A T E M E N T

By the Commission:

On March 19, 1936, by Decision No. 7377, R. S. Thompson was authorized to operate as a common carrier by motor vehicle for hire for the transportation, not on schedule, of:

> general freight, including livestock and dairy products, on call and demand, from point to point within the territory bounded by Las Animas County lines on the north and south, and lines drawn through points located respectively 25 miles east and 25 miles west of Kim, Colorado, to and from points in said area, from and to Branson, Trinidad, Pritchett, Springfield, Lamar, La Junta, the Colorado-Kansas State Line, and the Colorado-Oklahoma State Line, and livestock and farm products from and to points in said area, to and from Denver and Pueblo, with the proviso that applicant shall not establish a line haul carrier service in competition with the service of the Sprihgfield-Lamar Truck Line between Lamar and Springfield or Harry T. Warner between Branson, Colorado, and Trinidad, or intermediate points.

On April 11, 1944 (Decision No. 22174) R. A. Moore, of Kim, Colorado, was authorized to operate as a common carrier by motor vehicle

for hire for the transportation of:

> freight, except livestock, between points within a radius of 25 miles of Kim, and freight, except livestock, between Kim, Colorado, and Springfield, Colorado, and intermediate points, via U. S. Highway No. 160.

On March 20, 1944, said Thompson and Moore entered into an agreement, which if approved by the Commission, in effect, will extend the service which Moore is permitted to perform under his certificate, and will restrict the service which Thompson is authorized to perform under his certificate.

The matter was set for hearing, and heard, at Trinidad, Colorado, on July 31, 1944, and taken under advisement.

It there appeared that Thompson has agreed to discontinue the hauling of general freight, except livestock, grain, and beans, from and to Kim, to and from Trinidad, Pritchett, Lamar, Springfield, and La Junta, he, however, to retain such right as to other points in the area covered by his certificate. Moore's authority under his certificate granted by Decision No. 22174 is to be extended to include the right to haul freight, except livestock, to and from Kim, from and to Trinidad, Pritchett, Lamar, Springfield, and La Junta, Colorado, and the right to haul grain and beans from points within a radius of twenty-five miles of Kim to La Junta, Colorado.

No one appeared at the hearing in opposition to the granting of the authority sought.

Said parties testified at length as to the transportation situation in their territory, and to the fact that the public interest would be served by the approval of said agreement.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require that said agreement should be approved, that the authority sought should be granted, 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 that the certi-

ficate granted R. S. Thompson by Decision No. 7377 (PUC No. 853) be, and the same hereby is, amended, by striking therefrom the right to transport:

> general freight, except livestock, grain, and beans, from and to Kim, to and from Trinidad, Pritchett, Lamar, Springfield, and La Junta,

(he, however, to retain such right as to other points in the area covered by his certificate.)

That the authority granted R. A. Moore, of Kim, Colorado, by Decision No. 22174 be, and the same hereby is, extended by granting him authority to haul freight, except livestock, to and from Kim, from and to Trinidad, Pritchett, Lamar, Springfield, and La Junta, Colorado, and the right to haul grain and beans from points within a radius of twenty-five miles of Kim to La Junta, Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty (20) days from date.

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

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

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 18th day of November, 1944.

mw

(Decision No. 22884)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM A. MONTGOMERY, 2870 SOUTH BROADWAY, ENGLEWOOD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6773-PP

November 18, 1944

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 within a radius of twenty-five miles of Denver, to points within said twenty-five-mile radius, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, and from coal dealers to customers in Denver and the metropolitan area thereof.

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 the authority sought should be granted.

O R D E R

IT IS ORDERED:

That William A. Montgomery, Englewood, 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 within a radius of twenty-five miles of Denver, to points within said twenty-five-mile radius, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, and from coal dealers to customers in Denver and the metropolitan area thereof.

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

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

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

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 18th day of November, 1944.

mw

(Decision No. 22885)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF M. P. NEFF, DOING BUSINESS AS "RED CLIFF TRANSPORTATION COMPANY," RED CLIFF, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 697 TO D.H. LUCERO, DOING BUSINESS AS "RED CLIFF TRANSPORTATION COMPANY," RED CLIFF, COLORADO.	)	APPLICATION NO. 2131-AA-BAA

November 18, 1944.

Appearances: D. H. Lucero, Red Cliff, Colorado, pro se;
(Mrs.) M. P. Neff, Red Cliff, Colorado, pro se.

S T A T E M E N T

By the Commission:

On September 28, 1933, by Decision No. 5292, S. A. Hammond was granted a certificate of public convenience and necessity, authorizing the transportation of passengers:

> Between Red Cliff and Gilman and between Minturn and Gilman, Colorado.

Subsequently, by authority of Decision No. 11755, he transferred that part of said certificate which authorized service between Minturn and Gilman, Colorado, to Albert Winters and Donald Barz, doing business as "Minturn Bus Line," and by Decision No. 12314, transferred his passenger and bus operating rights between Red Cliff and Gilman to H. H. Beatty and Ione Beatty, co-partners, doing business as "Quartsite Company".

By Decision No. 13723, said H. H. Beatty and Ione Beatty were authorized to extend their service under said certificate transferred to them (PUC No. 697) to include the right to transport:

> General commodities between the railroad depot near Red Cliff, Colorado, and the towns of Red Cliff and Gilman, and intermediate points,

subject to the conditions contained in said order, and subsequently, pursuant to authority contained in Decision No. 15106, M. P. Neff, doing business as

"Red Cliff Transportation Company," acquired said operating rights from said Beattys.

Said Neff now seeks authority to transfer this certificate to D. H. Lucero, doing business as "Red Cliff Transportation Company," Red Cliff, Colorado.

The matter was set for hearing, and heard, at Leadville, Colorado, on October 27, 1944, and taken under advisement.

It there appeared that Mr. Neff died on July 2, 1944, leaving a last will and testament, which was duly admitted to probate; that by said last will and testament, all property of which he died seized and possessed was devised and bequeathed to his widow, Mrs. M. P. Neff; that he has contracted to sell said certificate and two busses to transferee for a consideration of Twenty-five Hundred Dollars ($2500.00); that transferee is a qualified and experienced operator, and has been managing the operation for a period of forty-five days prior to the hearing; that there are no outstanding unpaid operating obligations; that ton-mile tax deposit is to be transferred to the account of transferee.

While regular procedure would have required the formal transfer of said operating rights from the Estate of M. P. Neff, Deceased, to his widow, and subsequent application by her, as owner, for transfer to Lucero, inasmuch as administration of said estate has been closed, and no useful purpose would be served by requiring strict compliance with our rules and regulations, and it further appearing that said transfer is in the public interest, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Mrs. M. P. Neff, as widow and sole heir under will of M. P. Neff, deceased, be, and she hereby is, authorized to transfer all her right, title and interest, and the right, title and interest of M. P. Neff, deceased, in

and to PUC No. 697, to D. H. Lucero, doing business as "Red Cliff Transportation Company".

That ton-mile tax deposit shall be transferred to account of transferee.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to the law and 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 18th day of November, 1944.

BH

(Decision No. 22886)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF PATRICK J. LITTLE, LAKEWOOD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 6746-PP

November 18, 1944.

Appearances: Myron H. Burnett, Esq., Denver, Colorado, for The Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Denver, Colorado, on October 25, 1944, at 10:00 o'clock A.M., due notice of the time and place of 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.

Thereupon, protestant 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 above-styled 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 18th day of November, 1944.
BH

(Decision No. 22887)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
CLYDE THOMAS, 4939 GROVE STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6775-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 18, 1944.

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, said permit, when issued, to bear the number "B-2588", being the number of a permit formerly held by applicant.

O R D E R

IT IS ORDERED:

That Clyde Thomas, 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, 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.

That permit, when issued, shall bear the number "B-2588".

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 becomes 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 laws 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 November, 1944.

BH

(Decision No. 22888)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
H. O. SAUER, BYERS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 6747-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
- - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
November 18, 1944.
- - - - - - - - - -

Appearances: G. Overly, Byers, Colorado,
for Denver-Byers Truck Line;
Myron H. Burnett, Esq., Denver,
Colorado, for The Colorado
Motor Carriers Association.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Denver, Colorado, on October 25, 1944, at 10:00 o'clock A. M., due notice 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.

Thereupon protestants 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 above-styled 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 18th day of November, 1944.
BH

(Decision No. 22889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF CLIFFORD ARMBRUST, EVERGREEN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6755-PP

November 18, 1944.

Appearances: Clifford Armbrust, Evergreen, Colorado, pro se;
Cecil A. Foster, Denver, Colorado, for Foster Truck Line;
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 on the above-styled matter, in Denver, Colorado, on November 1, 1944, applicant herein seeks authority to operate as a Chass "B" private carrier by motor vehicle for hire for the transportation of rock, clay, timber, lumber, cement, and other building materials and contractors' supplies, and contractors' equipment and machinery, for building jobs between points within a radius of ten miles of Evergreen, Colorado, without the right to engage in town to town service in competition with line haul motor vehicle common carriers.

It developed that applicant has a commercial carrier permit; that for a number of years he has sold rock, gravel, wood, timber, and other commodities used in building and constructing houses, cabins, and appurtenances in the Evergreen area; that his sales chiefly have been to contractors; that a number of local contractors want lumber, cement, and other building materials, contractors' supplies and equipment, handled to jobs in the area and moved from job to job as their needs may require; that Lloyd Cooper, a local call and demand carrier at Evergreen, does not object to the granting of the authority sought; that in the opinion of applicant, his proposed service

will not impair the efficiency of any authorized common carrier service.

Objection to the granting of the authority sought was withdrawn by Mr. Foster, and the matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that a private carrier permit, limited as set forth in the order following, should issue.

O R D E R

IT IS ORDERED:

That Clifford Armbrust, Evergreen, 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, clay, timber, lumber, cement, and other building materials and contractors' supplies, and contractors' equipment and machinery, for building jobs, between points within a radius of ten miles of Evergreen, Colorado, without the right to engage in town to town service in competition with 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 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 November, 1944.
BH

(Decision No. 22890)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. L. REEVER, 2735 WEST DENVER PLACE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6774-PP

November 18, 1944

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 J. L. Reever, 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, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1944.

mw

(Decision No.22891)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HERBERT REFFEL, OF GENOA, COLO.) PERMIT NO. C-15116
)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Herbert Reffel of Genoa, Colorado, requesting that his Permit No. C-15116 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-15116, heretofore issued to Herbert Reffel, be, and the same is hereby, declared cancelled effective November 6, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Atkinson

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

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(Decision No. 22892)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF D. W. WINKLEPLECK, OF 840 NORTH FREDERICK, BURBANK, CALIFORNIA.

PERMIT NO. C-7785

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from D. W. Winklepleck of Burbank, California, requesting that his Permit No. C-7785 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-7785, heretofore issued to D. W. Winklepleck, be, and the same is hereby, declared cancelled effective November 13, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1944

(Decision No. 22893)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. N. MALAUFF d/b/a FREDDIE'S)
BAKERY, OF 1008 GRANT AVE.,) PERMIT NO. C-6806
TRINIDAD, COLORADO.)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. N. Malauff d/b/a Freddie's Bakery of Trinidad, Colorado,

requesting that his Permit No. C-6806 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-6806, heretofore issued to F. N. Malauff d/b/a Freddie's Bakery, be, and the same is hereby, declared cancelled effective August 4, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry A. Alderman

Malcolm Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 1944

R

(Decision No. 22894)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF HOWRY-BERG, INC., OF 2949 NORTH SPEER, DENVER, 11, COLORADO.

PERMIT NO. C-6360

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Howry-Berg, Inc. of Denver, Colorado, requesting that his Permit No. C-6360 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-6360, heretofore issued to Howry-Berg, Inc., be, and the same is hereby, declared cancelled effective October 30, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry A. Alkire

Malcom Erickson

Ralph C. Parlow

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

R

(Decision No. 22895)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PHELPS BROTHERS, OF 201. N.)
WEBBER, COLORADO SPRINGS, COLO.) PERMIT NO. C-13773
)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Phelps Brothers of Colorado Springs, Colorado, requesting that his Permit No. C-13773 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-13773, heretofore issued to Phelps Brothers, be, and the same is hereby, declared cancelled effective November 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Abercrombie

Malcolm Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

R

(Decision No. 22896)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HUTCHINSON BATTERY SERVICE,)
4 E. KIOWA ST., COLORADO) PERMIT NO. C-1539
SPRINGS, COLO.)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Hutchinson Battery Service of Colorado Springs, Colorado, requesting that his Permit No. C-1539 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-1539, heretofore issued to the Hutchinson Battery Service, be, and the same is hereby, declared cancelled effective November 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry L. Doherty

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1944

R

(Decision No. 22897)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GRATTON BARNHILL, OF RAMAH, COLORADO.) PERMIT NO. C-389
)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Gratton Barnhill of Ramah, Colorado, requesting that his Permit No. C-389 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-389, heretofore issued to Gratton Barnhill, be, and the same is hereby, declared cancelled effective November 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry A. Alderman

Marion Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

R

(Decision No. 22898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ANDREW SIMON, OF BOND,)
COLORADO.) PERMIT NO. B-2902
)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Andrew Simon of Bond, Colorado, requesting that his Permit No. B-2902 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-2902, heretofore issued to Andrew Simon, be, and the same is hereby, declared cancelled effective November 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry R. Silverman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 1944.

(Decision No. 22899)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MADALAN AND ADAM REICH AND)
MARVIN THOMPSON, DOING BUSINESS) PERMIT NO. C-15303
AS THE BRUSH PRODUCE COMPANY,)
223 COLORADO AVE., BRUSH, COLO.)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Madalan & Adam Reich & Marvin Thompson d/b/a Brush Produce of Brush, Colorado, requesting that his Permit No. C-15303 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-15303, heretofore issued to Madalan and Adam Reich and Marvin Thompson d/b/a Brush Produce, be, and the same is hereby, declared cancelled effective October 23, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 19 44

R

(Decision No. 22900)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT L. LEDBETTER, OF)
CEDAREDGE, COLORADO.) PERMIT NO. C-15067
)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert L. Ledbetter of Cedaredge, Colorado, requesting that his Permit No. C-15067 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-15067, heretofore issued to Robert L. Ledbetter, be, and the same is hereby, declared cancelled effective October 5, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry A. Johnson

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

R

(Decision No. 22901)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. GLENN CARSON, OF ROUTE 1,) PERMIT NO. C-14607
BOX 48, CANON CITY, COLORADO.)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. Glenn Carson of Canon City Colorado, requesting that his Permit No. C-14607 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-14607, heretofore issued to H. Glenn Carson, be, and the same is hereby, declared cancelled effective October 20, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 22nd day of October, 19 44

R

(Decision No. 22902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOSHUA L. MORRIS, OF BOX 845,)
DURANGO, COLORADO.) PERMIT NO. C-15329
)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joshua L. Morris of Box 845, Durango, Colorado, requesting that his Permit No. C-15329 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-15329, heretofore issued to Joshua L. Morris, be, and the same is hereby, declared cancelled effective October 15, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Harry A. Alberson

/s/ Malcom Erickson

/s/ Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 19 44

R

(Decision No. 22903)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALVA A. ROCKWELL, OF DOVE)
CREEK, COLORADO.)
)
)

PERMIT NO. C-14190

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Alva A. Rockwell of Dove Creek, Colorado, requesting that his Permit No. C-14190 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-14190, heretofore issued to Alva A. Rockwell, be, and the same is hereby, declared cancelled effective November 10, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Adamson

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

R

(Decision No. 22904)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GLEN HICKS, OF 79 KALAMATH)
STREET, DENVER, 9, COLORADO.) PERMIT NO. C-11998
)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Glen Hicks of Denver, Colorado, requesting that his Permit No. C-11998 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-11998, heretofore issued to Glen Hicks, be, and the same is hereby, declared cancelled effective November 9, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

R

(Decision No. 22905)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HENRY BITTER, OF 4479 LEAF COURT,) PERMIT NO. C-2530
DENVER, 16, COLORADO.)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Henry Bitter of Denver, Colorado, requesting that his Permit No. C-2530 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-2530, heretofore issued to Henry Bitter, be, and the same is hereby, declared cancelled effective November 15, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry P. Alderman

Malcom Ericksson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44.

R

(Decision No. 22806)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. M. RICE, OF 2822 WEST ST.,) PERMIT NO. B-3015
PUEBLO, COLORADO.)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. M. Rice of Pueblo, Colorado, requesting that his Permit No. B-3015 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-3015, heretofore issued to A. M. Rice, be, and the same is hereby, declared cancelled effective October 5, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Adamson

Marion Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 1944

R

(Decision No. 22907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FRANK W. MILLER, DOING BUSINESS)
AS DENVER-LIMON-BURLINGTON)
TRANSFER COMPANY, of 1809)
BLAKE STREET, DENVER, 2, COLO.)

PERMIT NO. A-554-I

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank W. Miller, d/b/a Denver-Limon-Burlington Transfer Co. of Denver, Colorado, requesting that his Permit No. A-554-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-554-I, heretofore issued to Frank W. Miller d/b/a Denver-Limon-Burlington Transfer Company, be, and the same is hereby, declared cancelled effective November 1, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Glorieux

Chairman Commission

Ralph C. Newton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

R

(Decision No. 22908)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LOTTIE SCHATZ, OF)
BRECKENRIDGE, COLORADO.) PERMIT NO. C-15355
)
)
)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lottie Schatz of Breckenridge, Colorado, requesting that his Permit No. C-15355 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-15355, heretofore issued to Lottie Schatz, be, and the same is hereby, declared cancelled effective October 30, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thorneson

Walton Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 19 44

R

(Decision No. 22909)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE HUNT, OF EADS, COLO.) PERMIT NO. C-15455
)

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clarence Hunt of Eads, Colorado, requesting that his Permit No. C-15455 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-15455, heretofore issued to Clarence Hunt, be, and the same is hereby, declared cancelled effective November 11, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 22nd day of Nov., 19 44

R

(Decision No. 22910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF THE MONTROSE FLOUR MILLING COMPANY, OF MONTROSE, COLO.

PERMIT NO. C-5966

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Montrose Flour Milling Company of Montrose, Colorado, requesting that his Permit No. C-5966 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-5966, heretofore issued to the Montrose Flour Milling Company, be, and the same is hereby, declared cancelled effective October 21, 1944

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry R. Adamson

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 1944

R

(Decision No. 22911)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF THE MANITOU FUEL AND TRANSFER COMPANY, OF 225 MANITOU, MANITOU SPRINGS, COLORADO.

PERMIT NO. C-2760

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Manitou Fuel and Transfer Company of Manitou Springs, Colorado, requesting that his Permit No. C-2760 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-2760, heretofore issued to the Manitou Fuel and Transfer Company, be, and the same is hereby, declared cancelled effective October 17, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harry A. Alstaetter

Dalcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 22nd day of Nov., 19 44
R

(Decision No. 22912)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HERMAN A. DeWILD, DOING BUSINESS) PERMIT NO. B-2594
AS DeWILD FUEL & TRANSFER, OF)
HAYDEN, COLORADO.)
)

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Herman A. DeWild doing business as DeWild Fuel & Transfer of Hayden, Colorado, requesting that his Permit No. B-2594 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-2594, heretofore issued to Herman A. DeWild, d/b/a DeWild Fuel & Transfer, be, and the same is hereby, declared cancelled effective Nov. 22, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Thorman

Thalcon Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of Nov., 19 44

R

(Decision No. 22913)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF EUGENE CRANE, ROUTE 2, BOX 141, DELTA, COLO.) PERMIT NO. C-15256

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Eugene Crane of Delta, Colorado, requesting that his Permit No. C-15256 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-15256, heretofore issued to Eugene Crane, be, and the same is hereby, declared cancelled effective November 9, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Palmer

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of Nov., 19 44

R

(Decision No. 22914)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK CADWELL, OF BOX 104,) PERMIT NO. C-14273
BOONE, COLORADO.)

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Cadwell of Boone, Colorado, requesting that his Permit No. C-14273 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-14273, heretofore issued to Frank Cadwell, be, and the same is hereby, declared cancelled effective November 9, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry R. Silsbee

Walcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of Nov., 19 44

R

(Decision No. 22915)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
H. C. HARCLERODE AND T. D.) PERMIT NO. C-13441
WILLIAMS, OF 501 NORTH THIRD)
AVE., STERLING, COLORADO.)
)

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. C. Harclerode and T. D. Williams of Sterling, Colorado, requesting that his Permit No. C-13441 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-13441, heretofore issued to H. C. Harclerode, and T. D. Williams, be, and the same is hereby, declared cancelled effective September 22, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1944

R

(Decision No. 22916)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
I. X. L. CREAMERY, OF 318) PERMIT NO. C-12879
E. COLORADO AVENUE, COLORADO)
SPRINGS, COLORADO.)
)

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the I. X. L. Creamery of Colorado Springs, Colorado, requesting that his Permit No. C-12879 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-12879, heretofore issued to the I. X. L. Creamery, be, and the same is hereby, declared cancelled effective November 9, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Silverman
Malcom Erickson
Ralph C. Newton
Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 19 44

R

(Decision No. 22917)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF J. D. SIMMONS, OF DOLORES, COLORADO.

PERMIT NO. C-7108

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. D. Simmons, of Dolores, Colorado, requesting that his Permit No. C-7108 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-7108, heretofore issued to J. D. Simmons, be, and the same is hereby, declared cancelled effective October 31, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Adamson

Malcom Ericksson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 22nd day of November, 19 44

R

(Decision No. 22918)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. W. HARKNESS, OF 910)
2nd ST., GARDEN CITY, KANSAS.) PERMIT NO. C-3657
)
)
)

Nov. 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. W. Harkness of Garden City, Kansas, requesting that his Permit No. C-3657 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-3657, heretofore issued to C. W. Harkness, be, and the same is hereby, declared cancelled effective October 31, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Adamson

Dale Ericson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 19 44

R

(Decision No. 22919)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CARL HILDRETH, OF 5195 ELM)
COURT, DENVER, 11, COLORADO.)
)
)

PERMIT NO. C-12410

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl Hildreth of 5195 Elm Court, Denver, 11, Colo., requesting that his Permit No. C-12410 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-12410, heretofore issued to Carl Hildreth, be, and the same is hereby, declared cancelled effective October 23, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Lewis A. Alderman

Malcolm Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1944

R

(Decision No. 22920)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK M. CADWELL, OF BOX 104,) PERMIT NO. A-3004
BOONE, COLORADO.)

November 22, 1944

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-mentioned permittee requesting that his Permit No. A-3004 be suspended for a period of six months.

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

O R D E R

IT IS ORDERED:

That Frank M. Cadwell should be, and hereby is, authorized to suspend his operations under Permit No. A-3004 for a period of not to exceed six months from November 1, 1944.

That unless said Frank M. Cadwell 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 22nd day of November, 1944.

R

Original

(Decision No. 22921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF W. G. CRESSEY, AVONDALE, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1090 TO FREDERICK C. HARVEY, NORTH AVONDALE, COLORADO.

APPLICATION NO. 3819-A

November 22, 1944

Appearances: Roy A. Payton, Esq., Pueblo, Colorado, for applicants;
A. J. Fregeau, Denver, Colorado, for Meicker Transfer and Storage Company;
Buel Lowder, Pueblo, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 9736, dated April 9, 1937, W. G. Cressey was authorized to operate as a common carrier by motor vehicle, on call and demand, for the transportation of:

> farm products, including livestock, farm equipment, farm supplies, and used household furniture, into, out of, and between points within a radius of fifteen miles of Avondale, Colorado, without the right to serve between towns served by motor vehicle common carriers operating on schedule.

He now seeks authority to transfer said certificate to Frederick C. Harvey, of North Avondale, Colorado.

The matter was set for hearing, and heard, at Pueblo, Colorado, on November 8, 1944, and taken under advisement.

It there appeared that there are no outstanding unpaid accounts against Cressey's operation; that, on account of ill health, he has sold his trucks and the certificate to Harvey, who is an experienced truck operator; that Harvey has a water spring at North Avondale, and furnishes water to farmers operating in the territory; that he has the garbage

concession at the U. S. Army Air Base at Baxter, and feeds large numbers of hogs and cattle; that he is acquiring the trucks in order to handle his livestock, and as an incident thereto, is acquiring the certificate; that he proposes to actively operate thereunder; that the ton-mile tax deposit is to be returned to transferor; that he does not contemplate hauling household goods, and it is agreeable with him to amend the application by striking authority to haul furniture; that, pecuniarily and otherwise, he is qualified to carry on the operation.

Mr. Buel Lowder stated that he had not been informed that Mr. Cressey had authority to haul livestock; that he had been operating in the Avondale area for about a year, and so far as he knew, Mr. Cressey, during that period of time, had not handled livestock; that he objected to the transfer.

In reply, Mr. Harvey stated that during the period Mr. Lowder had been operating he had called Lowder probably a dozen times to haul livestock, without being able to obtain his services; that apparently Mr. Lowder did not have sufficient equipment to handle the business in the area; that additional service is required.

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought to transfer the certificate should be granted, authority, however, of transferee thereunder to be amended by striking the right to haul used household furniture.

O R D E R

IT IS ORDERED:

That W. G. Cressey, Avondale, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1030 to Frederick C. Harvey, North Avondale, Colorado, said

original

Harvey's authority under said certificate to be limited to the transportation of:

> farm products, including livestock, farm equipment, farm supplies, into, out of, and between points within a radius of fifteen miles of Avondale, Colorado, without the right to serve between towns served by motor vehicle common carriers operating on schedule.

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 ton-mile tax deposit on file with the Commission shall be returned to transferor.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L D Thurman

Mary E. Quis

Ralph C. Norton

Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1944.

R

(Decision No. 22922)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF COLORADO CENTRAL POWER COMPANY, A CORPORATION, GOLDEN, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1123-B

November 22, 1944

Appearances: Worth Allen, Esq., Denver, Colorado, for applicant;
C. L. Flower, Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

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 Platteville, Colorado, in and by Ordinance No. 70.

The matter was set for hearing, and heard, at Denver, Colorado, on October 10, 1944, and taken under advisement.

It there appeared that said Ordinance No. 70 was passed by the Board of Trustees of the Town of Platteville, and approved by its Mayor, on August 1, 1939, which ordinance granted to the applicant, its successors, and assigns, a franchise:

> "to erect, construct, maintain, and operate a substation or substations, an electric light and power plant and a distribution system for the transmission, distribution and sale of electricity and electrical energy within the corporate limits of the Town of Platteville and any additions thereto, Weld County; Colorado, and repealing all ordinances or parts of ordinances in conflict herewith."

The term of said franchise is for a period of twenty-five (25) years from and after its passage, approval and publication, and acceptance and approval by the applicant. Said applicant duly accepted and approved said franchise on August 16, 1939.

It further appeared that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Delaware; that it has been authorized to do business in the State of Colorado; that its principal office and place of business in the State of Colorado is in Golden, Colorado; that, generally, it is authorized and empowered to engage in the business of generating electrical energy, and to transport such energy by means of transmission and distribution lines, for distribution and sale of said energy to consumers or wholesalers for heat, light, power, and other purposes; that no other utility is now serving the Town of Platteville; that applicant, for many years, has supplied the inhabitants of Platteville with electricity for illuminating, heating, power, and other purposes under a franchise, the franchise granted by Ordinance No. 70 being a renewal franchise.

No objection to the application has been filed or made, and it appears that the public convenience and necessity require the exercise of said franchise rights by applicant and a continuation of its service to the inhabitants of Platteville; that its investment to date in that portion of its system which is used in serving Platteville is approximately Thirty Thousand Dollars ($30,000.00). However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein will not preclude the Commission from adopting a different value, sahould the question of valuation arise in a rate hearing, or any subsequent proceedings where valuation may be an issue.

After careful consideration of the evidence and the record, the Commission is of the opinion, and finds, that public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Town of Platteville, Colorado, and that certificate of public convenience and necessity should issue therefor.

Original

O R D E R

IT IS ORDERED:

That 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 Platteville in and by Ordinance No. 70, 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 22nd day of November, 1944.

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original

(Decision No. 22923)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF COLORADO CENTRAL POWER COMPANY, A CORPORATION, GOLDEN, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1124-B

November 28, 1944

Appearances: Worth Allen, Esq., Denver, Colorado, for applicant;
C. L. Flower, Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

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 to it by the Board of Trustees of The Town of Hudson, State of Colorado, in and by Ordinance No. 43, on January 3, 1944.

The matter was set for hearing, and heard, at Denver, Colorado, on October 10, 1944, and taken under advisement.

It there appeared that said Ordinance No. 43 was regularly passed by the Board of Trustees, and signed and approved by the Mayor of the Town of Hudson, Colorado, on January 3, 1944.

By said ordinance, the Town of Hudson extended for a period of twenty (20) years, the franchise originally granted by Ordinance No. 26 passed by the Board of Trustees of the Town of Hudson, and approved by the Mayor of said Town, on June 5, 1919, to W. C. Stern, his successors, and

assigns, which said franchise was assigned to, and is now held by, the Colorado Central Power Company, a corporation, applicant herein.

Under said franchise granted by Ordinance No. 26, Colorado Central Power Company, a corporation, was authorized to:

> "install, extend, maintain, and operate, an electric plant or system in the said Town of Hudson, for the supply, distribution, and sale of electricity in said Town of Hudson."

It further appeared at said hearing that said extension franchise granted by Ordinance No. 43 was duly accepted and approved by applicant on February 2, 1944; that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Delaware, and that it is now, and ever since December 4, 1926, has been, authorized and empowered by the State of Colorado by virtue of Certificate of Authority issued by the Secretary of State, to construct, acquire, maintain, and operate transmission lines, power stations, systems, and appliances, for the generation, transmission, distribution, and sale of electrical energy for heat, light, power, and other useful purposes; that it acquired from W. C. Stern, on December 6, 1926, the franchise rights granted by the Town of Hudson in and by Ordinance No. 26; that said Franchise No. 26, which was extended by Ordinance No. 43, granted the right, privilege, and authority, to:

> "establish, construct, maintain, operate, and own within the said Town of Hudson and any additions thereto, electrical transmission lines, substations, generating plant, and distribution system for the generation, supply, and sale of electrical energy for light, heat, power, and other useful purposes, to all persons, associations, and corporation, either public or private, residing or doing business in the Town of Hudson, for a period of twenty-five years from June 5, 1919;"

that by order and decision of this Commission, No. 1974, of date October 29, 1928, The Colorado Central Power Company was granted a certificate of public convenience and necessity to exercise the franchise rights granted by Ordinance No. 26 of the Town of Hudson; that the Town of Hudson is not served by any other utility; that the investment of applicant in said town is

approximately Eighteen Thousand Dollars ($18,000.00). However, the acceptance of this figure and its adoption by the Commission for the purpose of determining issuance fee for certificate herein will not preclude the Commission from adopting a different value, should the question of valuation arise in a rate hearing or any subsequent proceedings where valuation may be an issue.

After careful consideration of the record, the Commission is of the opinion, and so finds, that public convenience and necessity does now require, and in the future will require, the exercise by the applicant of said franchise rights granted to it by the Town of Hudson, Colorado, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS ORDERED:

That public convenience and necessity does now require, and in the future will require, the exercise by applicant, Colorado Central Power Company, of franchise rights granted to it by the Board of Trustees of the Town of Hudson, Colorado, as set forth in the Statement preceding, which by reference, is made a part hereof, 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.

Original

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, 1944.

R

(Decision No. 22924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF E. O. STEVENS, OF HUDSON, COLORADO.) P. U. C. NO. 257

November 30, 1944

S T A T E M E N T

By the Commission:

On August 26, 1944, by Decision No. 22663, the Commission authorized E. O. Stevens to suspend operations under Certificate No. 257 for a period of not to exceed six months from July 24, 1944.

The Commission is now in receipt of a communication from certificate holder requesting that his certificate be reinstated.

After careful consideration of the record, the Commission is of the opinion, and finds, that said certificate should be reinstated, as of November 22, 1944, certificate holder having on file the necessary certificate of insurance and otherwise having complied with the rules and regulations of the Commission.

O R D E R

IT IS ORDERED:

That Certificate No. 257 should be, and the same hereby is, reinstated as of November 22, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1944.

R

(Decision No. 22925)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT DISBROW, 1923 EUCLID STREET,)
PUEBLO, COLORADO, FOR A CLASS "B") APPLICATION NO. 6742-PP
PERMIT TO OPERATE AS ~~A~~ PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 24, 1944

Appearances: Robert Disbrow, Pueblo, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Buel Lowder, Pueblo, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing, and heard, at Pueblo, Colorado, on November 8, 1944, and taken under advisement.

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 hay, from farms in the Ordway, Rocky Ford, La Junta, Green Horn, Canon City, and Florence farming areas, to the Denver Alfalfa Milling Company mills at Fowler and King Center, and to the State Hospital in Pueblo; farm produce, generally, except livestock, from farms in Pueblo, Otero, and Fremont Counties to Pueblo and to railroad and truck-loading points in said counties.

The application was opposed by Buel Lowder, but upon applicant diminating his request for authority to haul livestock, Mr. Lowder withdrew objections.

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, as limited, should be granted.

O R D E R

IT IS ORDERED:

That Robert Disbrow, 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 hay, from farms in the Ordway, Rocky Ford, La Junta, Green Horn, Canon City, and Florence areas, to the Denver Alfalfa Milling Company mills at Fowler and King Center, and to the State Hospital in Pueblo; farm produce, generally, except livestock, from farms in Pueblo, Otero, and Fremont Counties to Pueblo and to railroad and truck-loading points in said 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 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 November, 1944.

MW

(Decision No. 22926)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ORR TRANSFER & STORAGE COMPANY, EAST ST. PAUL AVENUE, WAUKESHA, WISCONSIN, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO ORR-NEVITT TRANSFER COMPANY, EAST ST. PAUL AVENUE, WAUKESHA, WISCONSIN.

PUC NO. 1063-I

November 24, 1944

S T A T E M E N T

By the Commission:

Heretofore, Orr Transfer & Storage Company, Waukesha, Wisconsin, 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.1063-I issued to it.

Said certificate-holder now seeks authority to transfer said PUC No. 1063-I to Orr-Nevitt Transfer Company, Waukesha, Wisconsin.

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 tranfer should be authorized.

O R D E R

IT IS ORDERED:

That Orr Transfer & Storage Company, Waukesha, Wisconsin, should be, and it hereby is, authorized to transfer all its right, title, and interest in and to PUC No. 1063-I to Orr-Nevitt Transfer Company, Waukesha, Wisconsin, said transfer to be 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 24th day of November, 1944.

mw

(Decision No. 22927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. A. BUSH, ROUTE 1, BOX 32, AVONDALE, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2028 TO T. J. CESAR, ROUTE 1, BOX 81-A, AVONDALE, COLORADO.

APPLICATION NO. 4056-PP-AA

November 24, 1944

Appearances: T. J. Cesar, Avondale, Colorado, for applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

By Decision No. 10582, 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.

By Decision No. 21705, said Louise Sullivan and Walter Sullivan were authorized to transfer said authority (Permit No. B-2028) to Charles A. Bush, Avondale, Colorado, who now seeks authority to transfer this permit to T. J. Cesar, Avondale, Colorado.

The matter was set for hearing, and heard, at Pueblo, Colorado, on November 8, 1944, and taken under advisement.

It there appeared that the consideration for the transfer of a Ford Truck and said permit is the sum of Fifteen Hundred Dollars ($1500;00); that there are no outstanding unpaid accounts against the operation; that transferee, pecuniarily and otherwise, is qualified and able to operate the permit; that the ton-mile tax deposit of transferor is to be transferred to account of transferee.

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 C. A. Bush, Avondale, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2028 to T. J. Cesar, 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.

That ton-mile tax deposit of transferor shall be transferred to account of transferee.

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 November, 1944.

mw

(Decision No. 22928)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF FRED REIN, JR., DOING BUSINESS AS "REIN MILK TRANSPORT," 747 JACKSON STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND HIS OPERATIONS UNDER PUC NO. 454.	APPLICATIONS NOS. 1156-AAA-B 1560-A-BB 1771-AAA-BAB 1957-AAA-BAB SUPPLEMENTAL ORDER

November 24, 1944

Appearances: Jean Breitenstein, Esq., Denver, Colorado, and David J. McKee, Esq., Denver, Colorado, for applicant;
Truman A. Stockton, Jr., Esq., Denver, Colorado, and A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
W. H. Fuller, Brighton, Colorado, for Fuller Truck Lines;
Frank Ciancio, Welby, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 22371, on November 17, 1944, the Commission granted a certificate of public convenience and necessity to Fred Rein, Jr., doing business as "Rein Milk Transport," authorizing him to haul:

> "general commodities in less than truckload lots, from Denver to points in the area he is authorized to serve under his certificate, PUC No. 454, as set forth in the Statement preceding, which, by reference, is made a part hereof, except from Denver to points on U. S. Highway No. 85, including Adams City and Dupont, with the condition or proviso that said service to Derby shall cease upon the termination of the war between the United States and Germany, unless, for good cause shown, said period of time may be extended."

The Commission, in considering and deciding said application, was under the impression that the communities of Derby, Welby, East Lake, the Arsenal near Derby, and three filling stations between Derby and Hudson on U. S. Highway No. 6 are located in the territory described in the application which is now served by Rein as a milk hauler.

It now develops that one or more of said points are not located in said area, and that said decision should be amended to show specifically that Rein is authorized under said Order to serve said points.

(Decision No. 22928)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF FRED REIN, JR., DOING BUSINESS AS "REIN MILK TRANSPORT," 747 JACKSON STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND HIS OPERATIONS UNDER PUC NO. 454.	APPLICATIONS NOS. 1156-AAA-B 1560-A-BB 1771-AAA-BAB 1957-AAA-BAB SUPPLEMENTAL ORDER

November 24, 1944

Appearances: Jean Breitenstein, Esq., Denver, Colorado, and David J. McKee, Esq., Denver, Colorado, for applicant;
Truman A. Stockton, Jr., Esq., Denver, Colorado, and A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
W. H. Fuller, Brighton, Colorado, for Fuller Truck Lines;
Frank Ciancio, Welby, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 22871, on November 17, 1944, the Commission granted a certificate of public convenience and necessity to Fred Rein, Jr., doing business as "Rein Milk Transport," authorizing him to haul:

> "general commodities in less than truckload lots, from Denver to points in the area he is authorized to serve under his certificate, PUC No. 454, as set forth in the Statement preceding, which, by reference, is made a part hereof, except from Denver to points on U. S. Highway No. 85, including Adams City and Dupont, with the condition or proviso that said service to Derby shall cease upon the termination of the war between the United States and Germany, unless, for good cause shown, said period of time may be extended."

The Commission, in considering and deciding said application, was under the impression that the communities of Derby, Welby, East Lake, the Arsenal near Derby, and three filling stations between Derby and Hudson on U. S. Highway No. 6 are located in the territory described in the application which is now served by Rein as a milk hauler.

It now develops that one or more of said points are not located in said area, and that said decision should be amended to show specifically that Rein is authorized under said Order to serve said points.

After careful consideration of the record, the Commission is of the opinion, and finds, that, upon its own motion, said Decision No. 22871 should be amended and corrected to show authority aforesaid, and specifically should be amended in the manner set forth in the Order following.

O R D E R

IT IS ORDERED:

That our Decision and Order No. 22871, of date November 17, 1944, in the above-styled matter be, and the same hereby is, corrected and amended by substituting for the first paragraph of the Order, which follows the Statement in said decision, and in lieu thereof, the following paragraph:

> That public convenience and necessity requires, and will require, the proposed extended common carrier motor vehicle service of Fred Rein, Jr., doing business as "Rein Milk Transport," Denver, Colorado, for the transportation of general commodities in less than truckload lots from Denver to Derby, Welby, East Lake, and the Rocky Mountain Arsenal near Derby, and three filling stations located on U. S. Highway No. 6 between Derby and Hudson, and from Denver to points in the area he is now authorized to serve under his milk haul certificate No. 464, except Adams City and Dupont and other points, if any, on U. S. Highway No. 85, with back-haul of empty containers and returned merchandise, provided that service to and from Derby shall cease upon the termination of the war between the United States and Germany, unless, for good cause shown, said period of time may be extended, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That said Order and Decision No. 22871, in all other respects, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1944.

mw

Telephone and Telegraph Company in said territory, or any portion thereof, or any extension of said present operations in noncompetitive territory."

After careful consideration of the record, the Commission is of the opinion, and finds, that, upon its own motion, it should amend its said Decision No. 22870 to include a provision covering the stipulation aforesaid, and that said decision should be amended as provided in the Order following.

O R D E R

IT IS ORDERED:

That Decision No. 22870 be, and the same hereby is, amended, nunc pro tunc, as of the 17th day of November, 1944, by inserting after the first paragraph in the Order following Statement, after the word "therefor," at the bottom of Page 3 of said order, the following paragraph:

"That the certificate of public convenience and necessity granted the said S. E. Hobart, doing business as 'Nunn Telephone Company,' Nunn, Colorado, shall not be construed as permitting or authorizing the said S. E. Hobart, his heirs, executors, administrators, successors, or assigns, to extend his lines or service into the territory now served by The Mountain States Telephone and Telegraph Company, except within the limits as described in his application for local exchange service and rural lines extending therefrom, as described in said application and long distance service by connection with the Mountain States Telephone and Telegraph Company at the switchboard of the applicant, S. E. Hobart, at Nunn, Colorado, nor shall it be construed to operate as excluding the present operations of The Mountain States Telephone and Telegraph Company in said territory, or any portion thereof, or any extension of said present operations in noncompetitive territory."

That said Decision No. 22870, in all other particulars, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1944.

mw

(Decision No. 22930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DALBY MOTOR FREIGHT LINES, INC., LUBBOCK, TEXAS, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS (PUC NO. 768-I) LEASED FROM NORTH PLAINS MOTOR FREIGHT LINES, INC., AND OPERATED UNDER PUC NO. 639-I, TO D. G. DALBY, DOING BUSINESS AS "DENVER-AMARILLO EXPRESS," 99 SOUTH FILLMORE STREET, AMARILLO, TEXAS.

PUC NO. 768-I
APPLICATION NO. 639-I-(A)

November 24, 1944

Appearances: G. H. Little, Esq., Amarillo, Texas, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 22877, of date November 18, 1944, Dalby Motor Freight Lines, Inc., Lubbock, Texas, was authorized to transfer its certificate of public convenience and necessity No. 639-I to D. G. Dalby, doing business as "Denver-Amarillo Express," Amarillo, Texas.

By Decision No. 20088, the Commission approved a contract of lease, by which North Plains Motor Freight leased its interstate certificate (PUC No. 768-I), to Dalby Motor Freight Lines, Inc., said lease arrangement being:

> "for the period of the National Emergency and six months thereafter."

The Commission has been informed that D. G. Dalby, doing business as "Denver-Amarillo Express," with the consent of North Plains Motor Freight Lines, Inc., has acquired the rights of Dalby Motor Freight Lines, Inc. thereunder, and has asked that we authorize the continued operation of said PUC No. 768-I by D. G. Dalby, doing business as "Denver-Amarillo Express," according to the terms of said lease, reference to which is hereby made.

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 D. G. Dalby, doing business as "Denver-Amarillo Express," Amarillo, Texas, be, and he hereby is, authorized to exercise the operating rights under PUC No. 768-I, acquired from North Plains Motor Freight Lines, Inc., by Dalby Motor Freight Lines, Inc., pursuant to lease approved by the Commission in Decision No. 20088, which rights have been assigned by Dalby Motor Freight Lines, Inc., to him.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1944.

mw

(Decision No. 22931)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS OF)
LEE HILL, 1220 NORTH 11TH STREET,) PERMIT NO. A-150
CANON CITY, COLORADO.)

November 24, 1944

Appearances: John P. Thomas, Esq., Canon City, Colorado, for Mrs. Edith E. Hill.

S T A T E M E N T

By the Commission:

On August 6, 1931, Lee Hill, of Canon City, Colorado, was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

> clay and rock to the plant of the Diamond Fire Brick Company on South 9th Street, Canon City, from Deer Hill Mine, 4.8 miles; Shaw Park Quarry, 8.1 miles; and Grape Creek Quarry, 7.7 miles.

On October 19, 1944, the Commission was requested by John P. Thomas, Jr., attorney for Edith E. Hill, widow of said Lee Hill, to transfer said permit upon our records to Edith E. Hill. With said letter, he forwarded a copy of "Decree of Final Settlement and Determination of Heirship" in the matter of the Estate of Theron Leon Hill, sometimes known as T. L. Hill, and sometimes known as Lee Hill, Deceased, duly had and entered of record in the County Court of Fremont County, Colorado.

It appears from said decree that Edith E. Hill, widow, and Marcelyne I. Allen, daughter, are the sole heirs at law of said Leon Hill, Deceased; that by a formal application filed on November 10, 1944, said Marcelyne I. Allen has joined in the request of Edith E. Hill to transfer said Permit No. A-150 to said Edith E. Hill.

In the opinion of the Commission, no useful purpose would be served by setting said matter for formal hearing, and,

After careful consideration of the record, the Commission is of the opinion, and finds, that our records should be amended and changed to show that Edith E. Hill is the owner and operator of Permit No. A-150.

O R D E R

IT IS ORDERED:

That the Secretary of the Commission be, and he hereby is, directed to change and amend the records of the Commission covering ownership of Permit NO. A-150 to show the owner thereof to be Edith E. Hill, instead of Lee Hill.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1944.

mw

(Decision No. 22932)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PETE DIAZ, 1513 BUENA VISTA, TRINIDAD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6772-PP

November 24, 1944

Appearances: Pete Diaz, Trinidad, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing, and heard, at Trinidad, Colorado, on November 6, 1944, and taken under advisement.

It there appeared that applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines within a radius of ten miles of Trinidad, Colorado, to Trinidad and points in said area.

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 Pete Diaz, Trinidad, 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 within a radius of ten miles of Trinidad, Colorado, to Trinidad and 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 24th day of November, 1944.

mw

(Decision No. 22933)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JULIO GILBERT, BOX 524, TRINIDAD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6754-PP

November 24, 1944

Appearances: Julio Gilbert, Trinidad, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing, and heard, at Trinidad, Colorado, on November 6th, 1944, and taken under advisement.

It there appeared that applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines within a radius of ten miles of Trinidad, Colorado, to Trinidad and points in said area.

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 Julio Gilbert, Trinidad, 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 within a radius of ten miles of Trinidad, Colorado, to Trinidad and 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 24th day of November, 1944.

kw

(Decision No. 22934)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. K. PHARES, 424 NORTH THIRD, CANON) APPLICATION NO. 6464-PP-B
CITY, COLORADO, FOR AN EXTENSION OF)
PERMIT NO. B-2998.)

November 27, 1944

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend his operations under Permit No. B-2998 to include the right to transport coal from mines in Fremont County to coal dealers in Colorado Springs, Pueblo, Limon, and towns intermediate, Colorado Springs, to Limon on U. S. Highway No. 24, Las Animas and towns intermediate, Pueblo to Las Animas, on U. S. Highway No. 50, Camp Carson, Peterson Field, Pueblo Air Base, Pueblo Ordnance Depot, and La Junta Air Base; sand and gravel between all points within an area extending fifty miles north, south, east, and west, of 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 L. K. Phares, Canon City, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-2998 to include the right to transport coal from mines in Fremont County to coal dealers in Colorado Springs, Pueblo, Limon and towns intermediate, Colorado

Springs to Limon on U. S. Highway No. 24, Las Animas and towns intermediate, Pueblo to Las Animas, on U. S. Highway No. 50, Camp Carson, Peterson Field, Pueblo Air Base, Pueblo Ordnance Depot, and La Junta Air Base; sand and gravel between all points within an area extending fifty miles north, south, east, and west, of Pueblo, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1944.

mw

(Decision No. 22935)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ARCHIE MEIKLE, 9000 NORTH FEDERAL BOULEVARD, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6782-PP

November 27, 1944

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 construction 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 and points within a radius of five 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 Archie Meikle, 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, and other materials used in making up the surface of the roads, from pits and supply points

in the State of Colorado to construction 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 and points within a radius of five 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1944.

mw

(Decision No. 22936)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED ZEILER, 4448 LINCOLN STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 6781-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 27, 1944

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 Fred Zeiler, 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, 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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1944.

mw

(Decision No. 22937)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK SABATINO, RURAL ROUTE 1, BOX 285, CANON CITY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 6780-PP

November 27, 1944

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 wood to Colorado Springs, Peterson Field, Camp Carson, Pueblo, Pueblo Air Base, Pueblo Ordnance Depot, Canon City, and Baxter, over Colorado Highways Nos. 67, 120, 115, and 96, and U.S. Highways Nos. 50, 85, and 87, from points in Fremont County.

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 Frank Sabatino, 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 and wood to Colorado Springs, Peterson Field, Camp Carson, Pueblo, Pueblo Air Base, Pueblo Ordnance Depot, Canon City, and Baxter, over Colorado Highways Nos. 67, 120, 115, and 96, and U. S. Highways Nos. 50, 85, and 87, from points in Fremont 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 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 November, 1944.

mw

(Decision No. 22938)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PETE SANCHEZ, 2015 PINION STREET, TRINIDAD, COLORADO, FOR RE-ISSUE OF PERMIT NO. B-2517, AND EXTENSION THEREOF.

APPLICATION NO. 6717-PP-B

November 27, 1944

Appearances: Pete Sanchez, Trinidad, Colorado, pro se.

S T A T E M E N T

By the Commission:

On January 30, 1940, by Decision No. 14699, Pete Sanchez, Trinidad, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> ashes, coal, wood, and gravel from point to point within a radius of twenty-five miles of Trinidad.

On April 4, 1942, said permit was cancelled on account of failure of permittee to file reports for the Months of February, March, September, October, November, and December, 1941, and January, 1942.

On August 25, 1944, applicant filed his application for reinstatement of said permit, and asked that it be extended to include the right to transport passengers from Trinidad to track jobs along The Colorado and Southern Railway right-of-way between Trinidad and Aguilar, Colorado, and return.

The matter was set for hearing, and heard, in Trinidad, Colorado, on November 6, 1944, and taken under advisement.

It there appeared that the extended service contemplated by applicant is the movement of track workers for The Colorado and Southern Railway Company from Trinidad to points along the right-of-way of said railway between Aguilar and Trinidad, Colorado, with return of said workers to Trinidad after they have completed their labors for the day;

that he receives from the Colorado and Southern Railway Company the sum of Twelve Dollars ($12.00) for the two round trips involved — that is, a trip in the morning to deliver workers to the job, and a trip in the evening to return them to Trinidad; that said sum is paid irrespective of distance from Trinidad to place where the men may be working; that he had the necessary insurance covering his operation; that he has filed, or will file, the delinquent reports covering his operations under Permit No. B-2517.

After careful consideration of the record, the Commission is of the opinion, and finds, that said Permit No. B-2517 should be reinstated with the authority granted by Decision No. 14699, and that the extended service should be authorized.

O R D E R

IT IS ORDERED:

That Private Carrier Permit No. B-2517 be, and the same hereby is, reinstated, said reinstatement to be effective if and when the delinquent reports of operations under said permit are filed.

That authority of Pete Sanchez under said Permit No. B-2517 be, and the same hereby is, extended to include the right to transport passengers for The Colorado and Southern Railway Company, only, from and to Trinidad, to and from points along the right-of-way of said railway between Aguilar and Trinidad, Colorado.

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 November, 1944.

mw

(Decision No. 22939)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NESTOR MESTAS, HOEHNE, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS) APPLICATION NO. 6497-PP-B
UNDER PERMIT NO. B-3027.)

November 27, 1944

Appearances: Nestor Mestas, Hoehne, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing, and heard, at Trinidad, Colorado, on November 6, 1944, and taken under advisement.

At the hearing, it appeared that Nestor Mestas, who, by Decision No. 21628, dated November 20, 1943, was 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,

herein seeks to extend his operations to include the right to haul farm laborers from and to farms within a radius of twenty-five miles of Hoehne, to and from points in said area.

It appeared that applicant has a truck of the capacity of thirty-five passengers; that he desires to use said truck to move farm hands from and to Trinidad and other points within a radius of twenty-five miles of Hoehne, to and from farms in the area; that the contract for such hauling will be made with the farmers by whom the workers are employed; that he will deliver the men at the farms in the morning and

return them to their homes at night; that there is no carrier now engaged in furnishing said service; that he proposes to charge the farmers a fare of one cent per mile for each laborer transported.

After careful consideration of the record, the Commission is of the opinion, and finds, that said extension should be authorized.

O R D E R

IT IS ORDERED:

That Nestor Mestas, Hoehne, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-3027 to include the right to haul farm laborers from and to farms within a radius of twenty-five miles of Hoehne, to and from points in said area.

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 (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1944.

mw

(Decision No. 22940)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GENERAL ORDER NO. 51.

In the matter of the Classifications of, and the Filing of Annual Reports by, Motor Vehicle Carriers.

The subjects of the classifications of Motor Vehicle Carriers and annual reports to be filed by Motor Vehicle Carriers being under consideration, and it appearing that the Interstate Commerce Commission has heretofore adopted rules and regulations classifying Motor Vehicle Carriers subject to the Motor Carrier Act of 1935 (Part II of the Interstate Commerce Act) and governing the filing of annual reports by such carriers; and it further appearing that the said Interstate Commerce Commission has divided such carriers into the following three classes:

"Class I: Carriers having average gross operating revenues (including interstate and intrastate) of $100,000 or over, annually, from motor carrier operations.

"Class II: Carriers having average gross operating revenues (including interstate and intrastate) of $25,000 or over, but under $100,000, annually, from motor carrier operations.

"Class III: Carriers having average gross operating revenues (including interstate and intrastate) of less than $25,000 annually, from motor carrier operations."

O R D E R

IT IS ORDERED:

That the existing regulations of the Interstate Commerce Commission, and any amendments thereto or interpretations thereof, classifying motor carriers, are hereby adopted as the classifications of Motor Vehicle Carriers operating in the State of Colorado.

That each Motor Vehicle Carrier of Class I shall file with The Public Utilities Commission of the State of Colorado, within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission, an annual report, on forms to be furnished by the Commission, which forms shall be the same as the forms for the annual report required to be filed by such carrier with the Interstate Commerce Commission.

That Class II and Class III Motor Vehicle Carriers shall file annual reports in accordance with Rule 28 of the Rules and Regulations Governing Motor Vehicle Carriers, adopted by this Commission, effective November 1, 1939.

That this order shall become effective on December 31, 1944, and shall govern filing of annual reports for year 1944.

DATED at Denver, Colorado, this 22nd day of November, 1944.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

JH

(Decision No. 22941)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF)
MOUNTAIN STATES AVIATION, INC., DEN-)
VER, COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 6520
SUPPLEMENTAL ORDER

December 1, 1944

Appearances: Donald B. Robertson, Esq., Denver, Colorado, for applicant;
H. M. Boyle and
J. L. Rice, Esqs., Denver, Colorado, for Burlington Transportation Company;
Stanley T. Wallbank, Esq., Denver, Colorado, for Massey-Ransom, Inc.;
Arthur C. Holmes, Denver, Colorado, for Rocky Mountain Transportation Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
T. A. White, Esq., Denver, Colorado, and
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.;
Lincoln D. Coit, Esq., Grand Junction, Colorado, for Jackson-Drapela;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
Worth Allen, Esq., Denver, Colorado, for S. N. Drum;
S. Arthur Henry, Esq., Denver, Colorado, for Ray Wilson, Inc.;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

STATEMENT

By the Commission:

The Commission is in receipt of a petition for temporary suspension of scheduled operations by the above-named applicant.

On April 21, 1944, the Commission granted a certificate of public convenience and necessity to applicant, authorizing it to conduct

certain air transportation on schedule and on call and demand within the State of Colorado over two routes therein described. Route No. 1 has never been operated, subject to the determination by the Commission of a petition for rehearing granted one of the protestants, S. N. Drum.

Petitionee has operated scheduled air transportation service over Route No. 2, consisting of the terminals and intermediate points as hereafter named.

Petitioner now seeks an order, suspending only its scheduled air transportation service on Route No. 2, beginning November 25, 1944, and continuing until the first day of June, 1945, provided that petitioner may have the right to reinstate said service prior to June 1, 1945, upon petition to, and order by, this Commission.

Petitioner alleges that operations during the winter months will not be satisfactory and safe, due to conditions at airports at the various intermediate points.

Since the 24th day of July and during the Months of August, September and October, 1944, which is the period of service since the inception of applicant's operations, it has made approximately 84 scheduled trips and carried 377 passengers, cancelling only one and one-half flights during that period — thus attaining an almost perfect degree of operating efficiency. The winter months are now approaching, which may make scheduled operations over the mountainous terrain hazardous for a great number of reasons. It would thus seem apparent, in view of applicant's past excellent record, that serious consideration should be given to the petition now filed.

By order entered April 21, 1944 (Decision No. 22233), the Commission retained jurisdiction to the end that such further orders might be entered as the Commission deemed advisable. From reports submitted by applicant, allegations set forth in its petition, and as a result of quite an extensive study and investigation by the Commission and its staff over a considerable period of time of intrastate aviation in Colorado and the problems connected therewith, and further as a result of

independent investigation of applicant's operations in particular, the Commission is of the opinion that applicant is not able, at the present time, due to weather conditions and facilities now in use, to continue to furnish safe or adequate service to the public, and the Commission so finds.

The Commission therefore finds that petitioner shall suspend scheduled air transportation service between Denver-Granby-Walden-Craig-Meeker-Grand Junction-Delta-Montrose-Gunnison-Salida-Denver, not later than December 5, 1944, and thereafter until the First day of June, 1945, or until such further time as the Commission may order, either upon its own motion or upon application of applicant, unless the Commission shall, prior to said First day of June, 1945, or prior to such extended time, by order, either upon its own motion or upon application of applicant, permit or require applicant to resume such service.

O R D E R

IT IS ORDERED:

That Mountain States Aviation, Inc., Denver, Colorado, shall suspend scheduled air transportation service between Denver-Granby-Walden-Craig-Meeker-Grand Junction-Delta-Montrose-Gunnison-Salida-Denver, not later than December 5, 1944, and thereafter until the First Day of June, 1945, or until such further time as the Commission may order, either upon its own motion or upon application of applicant, unless the Commission shall, prior to said First Day of June, 1945, or prior to such extended time, by order, either upon its own motion or upon application of applicant, permit or require applicant to resume such service. Otherwise, Decision No. 22233 shall remain in full force and effect.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1944.

mw

(Decision No. 22942)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
C. W. BEAVER, MONTE VISTA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6726-PP
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 27, 1944.

Appearances: C. W. Beaver, Monte Vista, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Concour and Concour, Attorneys, Del Norte, Colorado, for J. P. Wiederkehr & Son.

S T A T E M E N T

By the Commission:

C. W. Beaver, of Monte Vista, Colorado, applicant herein, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of potatoes from farms to cars and storage, and from storage to cars within a radius of 25 miles of Monte Vista, Colorado.

At the hearing held in Alamosa, Colorado, on October 13, 1944, applicant asked leave to amend his application to include all kinds of vegetables, and stated that he desired to haul vegetables, including potatoes, peas and sugar beets, from the farms to railroad cars and storage, and from storage to railroad cars, within an area extending 25 miles south, 15 miles east, 20 miles north, and 7 miles west of Monte Vista, Colorado.

Attorneys for protestants stated that they had no objection to the granting of the application as now amended.

It further appeared that applicant is the owner of a 1934 Ford, and a 1937 Diamond T truck; that he is financially responsible, and that there is a need for the proposed service, which he has been rendering during the potato harvest.

The matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That C. W. Beaver, Monte Vista, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of potatoes, peas, and sugar beets from farms to railroad cars and storage and from storage to railroad cars, within an area extending twenty-five miles south, sixteen miles east, twenty miles north and seven miles west of Monte Vista, 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 27th day of November, 1944.

BH

(Decision No. 22943)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF RUBEN GARCIA, SAN LUIS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF FARM PRODUCE AND COAL, BETWEEN POINTS WITHIN A RADIUS OF FIFTY MILES OF SAN LUIS, COLORADO.	)	APPLICATION NO. 6731-PP

November 27, 1944.

Appearances: Conour and Conour, Attorneys, Del Norte, Colorado, for J. P. Wiederkehr & Son and J. E. Ashton;
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 set for hearing at Alamosa, Colorado, on October 13, 1944, due notice of the time and place of hearing being forwarded to all parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon protestants jointly moved that said application be dismissed for lack of prosecution, and 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 above-styled application should 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 27th day of November, 1944.
BH

(Decision No. 22944)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF JOE E. MONTANO, LA SAUSES, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF FARM PRODUCE FROM FIELD TO SHIPPING POINTS IN THE SAN LUIS VALLEY.	)	APPLICATION NO. 6733-PP

Nov. 27, 1944.

Appearances: Joe E. Montano, Sa Sauses, Colorado, (PO Sanford, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Conour and Conour, Attorneys, Del Norte, Colorado, for J. P. Wiederkehr & Son.

S T A T E M E N T

By the Commission:

Joe E. Montano, of La Sauses, Colorado, (whose Post Office address is Sanford, Colorado), applicant herein, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce from field to shipping points in the San Luis Valley.

Applicant appeared at the hearing and testified in his own behalf. He stated, under oath, that he is the owner of a Dodge 1937 flat bed truck and desires to operate as a Class "B" private carrier for hire for the transportation of farm produce from fields to cellars and from fields to railroad sidings or shipping points within the area extending 15 miles east and 15 miles west of U. S. Highway No. 285 between Antonito, Colorado, on the south and Estrella, a switch on the Denver and Rio Grande Western Railroad on the north.

Attorneys for protestants stated they had no objections to the granting of the permit as now outlined.

It further developed that applicant is financially responsible, and that there is a definite need for this proposed service.

The matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That Joe E. Montano, of La Sauses, Colorado (P.O. address Sanford, Colorado), should be, and he hereby is, authorised to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce from fields to cellars and from fields to railroad sidings or shipping points within the area extending fifteen miles east and fifteen miles west of U. S. Highway No. 285 between Antonito, Colorado, on the south and Estrella, a switch on the Denver and Rio Grande Western Railroad on the north.

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 27th day of November, 1944.
BH

(Decision No. 22946)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LESLIE G. CAUGHMAN, HILLSIDE, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-) APPLICATION NO. 6739-PP
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

November 27, 1944

Appearances: Leslie G. Caughman, Hillside, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, and
Arthur Brooks, Esq., Denver, Colorado, for the Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing, and heard, at Pueblo, Colorado, on November 8, 1944, and taken under advisement.

It there appeared that applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock, household goods, and props from points within a radius of ten miles of Hillside to points in Fremont County, with backhaul of coal, feed, farm equipment, and household goods.

It appeared that applicant has a Diamond-T Truck, equipped with stake body and stock rack; that he has been engaged in hauling mine props to mines in the Florence-Canon City District; that a number of people have asked him to haul feed, coal, household goods, and other farm supplies on the return trip from Canon City or Florence to their farms; that also, at times, he has been asked to haul livestock from farms around Hillside to points in Fremont County; that in order to comply with O.D.T. regulations, and to help the farmers, he desires to haul the commodities aforementioned; that without such authority, at times, his trucks must move empty.

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

Objections were withdrawn to the granting of authority, as limited.

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 Leslie G. Caughman, Hillside, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock, household goods, and props from points within a radius of ten miles of Hillside to points in Fremont County, with back-haul of coal, feed, farm equipment, and household goods.

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 November, 1944.

mw

(Decision No. 22947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. F. HALE, 1108 ASH STREET, PUEBLO,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 6744-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

November 27, 1944

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Buel Lowder, Pueblo, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Pueblo, Colorado, on November 8, 1944, at 1:30 o'clock P. M., due notice of the time and place of 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.

Thereupon, protestant Buel Lowder 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 above-styled matter should be, and the same hereby is, dismissed for lack of prosecution.

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 November, 1944.

mw

(Decision No. 22948)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLARENCE L. COPPER, 811 WEST THIRD,)
FLORENCE, COLORADO, FOR A CLASS "B") APPLICATION NO. 6740-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 27, 1944

Appearances: Clarence L. Copper, Florence, Colorado, pro se;
Buel Lowder, Pueblo, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant, Clarence L. Copper, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from the Fremont County coal fields to Pueblo yards, Baxter, Pueblo Air Base, Pueblo Ordnance Plant, Colorado Springs coal yards, Camp Carson, and Peterson Field.

The matter was set for hearing, and heard, in Pueblo, Colorado, on November 8, 1944, and taken under advisement.

It there appeared that applicant proposes to haul coal for a number of coal companies operating in the Florence-Canon City district; that he has one truck with a capacity of nine and one-half tons; that he receives $1.25 a ton for movement of coal to Pueblo, and $2.00 per ton for movement of coal via the short-cut to Colorado Springs; that, chiefly, his hauling is to the Power Plant in Pueblo and to the Black Diamond, Monarch Road, and McCarty Yards, in Colorado Springs.

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

In Opposition, Mr. Buel Lowder stated that although he has a common carrier certificate which authorizes the transportation of coal

on call and demand, he has never been contacted by any of the mines applicant proposes to serve; that he always has been willing to serve them; that he has ample equipment to haul their coal, and believes his service would be adequate.

We sympathize with Mr. Lowder, and believe that the coal mines in the Florence-Canon City coal district should patronize common carriers who are able to, and do, furnish adequate service. However, they apparently do not care for Mr. Lowder's service. If the denial of this application wouldoperate to increase the efficiency of his service, we would deny it, but we do not believe that such result would follow. If this and other applications were to be denied, applicants probably would buy and sell the coal — at least that has been the practice in the past.

Therefore, assuming that Mr. Lowder could handle with his equipment all the coal that moves from the mines which applicant, in part, proposes to serve, and therefore his service is adequate, we cannot say that the granting of this application will tend to impair the efficiency of any authorized common carrier service.

Therefore, 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 Clarence L. Copper, Florence, 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 the Fremont County coal fields to Pueblo yards, Baxter, Pueblo Air Base, Pueblo Ordnance Plant, Colorado Springs coal yards, Camp Carson, and Peterson Field.

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 27th day of November, 1944.

mw

(Decision No. 22949)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
MILO E. TEFFT, MONTE VISTA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 6729-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 27, 1944.

Appearances: Milo E. Tefft, Monte Vista, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Conour and Conour, Del Norte, Colorado, for J. F. Wiederkehr & Son.

STATEMENT

By the Commission:

Applicant, a resident of Monte Vista, Colorado, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of potatoes from fields to cellars and from fields to loading dock, within a radius of twenty miles of Monte Vista, Colorado.

At the hearing, which was held in Alamosa, Colorado, on October 13, 1944, applicant was the only witness and stated that he was the owner of a 1941 Chevrolet 1½-ton truck and had been engaged in hauling potatoes during the present harvest from fields to cellars where they were placed for storage, or from fields to railroad switches where potatoes are loaded on railroad cars; that he plans during the winter months to haul potatoes from cellars to the loading docks or cars on railroad switches.

On cross-examination of the witness, it was disclosed that he desired to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of potatoes from fields to cellars or from fields to railroad siding, and from cellars to railroad siding, within the area extending twenty miles south, twenty miles east, twenty miles north, and six miles west of Monte Vista, Colorado.

Attorneys for protestants stated at the hearing that they had no objections to the granting of the permit.

It further developed that applicant is financially responsible, that there is a shortage of trucks in this area, and that the service of applicant is needed.

The matter was taken under advisement.

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 Nila E. Tefft, whose address is 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 from fields to cellars or from fields to railroad sidings or loading docks, and from cellars to railroad sidings or loading docks within the area extending twenty miles south, twenty miles east, twenty miles north, and six miles west of Monte Vista, 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 27th day of November, 1944.

BM