

(Decision No. C79-192)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
C. M. MOREY, DOING BUSINESS AS)	
"STAR MOTOR FREIGHT LINES," 1210 N.)	APPLICATION NO. 27916-Amended
CEDAR STREET, COLORADO SPRINGS,)	
COLORADO, FOR A CERTIFICATE OF PUBLIC)	ORDER OF THE COMMISSION
CONVENIENCE AND NECESSITY.)	DENYING RECONSIDERATION

- - - - -
February 9, 1979
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 22, 1978, the Commission entered its Decision No. C78-1696 with respect to Application herein of C. M. Morey, doing business as "Star Motor Freight Lines," (hereinafter "Star") upon remand from the District Court of El Paso County.

On January 10, 1979, Star filed an "Application for Reconsideration." In said application for reconsideration, Star requests the Commission to grant the application as to the territory south of Colorado Springs and east of Pueblo to Lamar in addition to the Denver-Colorado Springs territory.

The Commission has considered Star's "Application for Reconsideration" and determined that insufficient grounds have been set forth therein for any change or modification in the supplemental order entered pursuant to our Decision No. C78-1696 on December 22, 1978. The Commission does note, however, that Star infers, if not actually states, on page 4 of its Application, that the majority of the Commission takes for granted the public need as being beyond dispute on the basis that the Commission only devoted nine lines in its decision to the testimony of shippers who desired to have Star as a common carrier. On page 19 of Decision No. C78-1696, the Commission stated that it did not find that Star had shown a public need for additional common carrier service south of Colorado Springs and east of Pueblo. The Commission stated that it had carefully weighed the testimony of the public witnesses in the light of other facts and circumstances which appear of record bearing on the question of what will best serve not only the needs of the witnesses who testified, but those of the public as a whole. As Appendix "A" to the within decision, we have attached a summary of the direct evidence of supporting shippers which has been considered by this Commission. It is clear that the testimonial evidence of Star's supporting shippers establishes a preference, rather than a need for Star.

The Commission concludes that Star's "Application for Reconsideration" should be denied.

An appropriate Order will be entered.

O R D E R

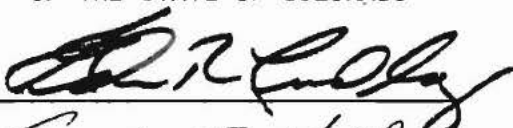
THE COMMISSION ORDERS THAT:

The "Application for Reconsideration" filed by C. M. Morey, doing business as "Star Motor Freight Lines," filed on January 10, 1979, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 9th day of February, 1979.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

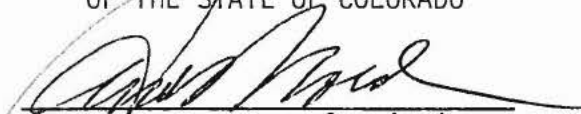
COMMISSIONER SANDERS G. ARNOLD DISSENTS

jm

COMMISSIONER SANDERS G. ARNOLD DISSENTING:

I respectfully dissent for the same reasons set forth in my dissent to Commission Decision No. C78-1696.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

Summary of Evidence of Star Supporting Shippers

Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
1. Mountain Automotive Warehouse Denver Automotive parts	Denver-Colorado Springs- La Junta-Lamar; Graves, N.W., Thacker, Ephraim, Rio Grande	Red Ball, Clark, Thacker	Good pick-up and delivery Little problems re damages or shortages Customers request Star
2. Acme Delivery Service Denver Food stuffs	Denver-Colorado Springs- Pueblo; Graves, N.W., Thacker, Ephraim, Rio Grande, Clark	Thacker, Graves, Ephraim, Rio Grande	Star's service always very good
3. Rockmont Envelope Co. Denver Envelopes	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande	Thacker, Ephraim, D-L-B	Very fine service of Star; Early morning delivery
4. Service Glass Industries, Inc. Denver Automotive glass	Denver-Colorado Springs- Pueblo-La Junta; Graves, N.W., Thacker, Ephraim, Rio Grande	Thacker	Very little damage with Star; Driver stops by almost every day; Next day delivery
5. Madsen Paint Center Colorado Springs Wholesale and retail paint and paint supplies	Colorado Springs-Denver; Graves, N.W., Thacker, Ephraim, Rio Grande,	Uses Thacker for five times a year	Next morning delivery; Excellent service by Star
6. Bock Industries, Inc. Colorado Springs Bibs for sporting events; Printing	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	Thacker	Early morning delivery; No problems with Star as to damages or shortages

Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
7. Economy Tire, Inc. Colorado Springs New and retread tires	Colorado Springs-Denver; Colorado Springs-Pueblo; Graves, N.W., Thacker, Ephraim, Rio Grande,	Thacker	Early morning delivery service; No problems as to damages or shortages; Fine service
8. S. R. Flaks Company Colorado Springs Tobacco products, candy, paper goods, fountain supplies	Denver-Colorado Springs- Pueblo; Graves, N.W., Thacker, Rio Grande, Ephraim, Clark	Occasional use of Thacker	Star's excellent service; Prefers Star
9. Dempubco Printing Co. Colorado Springs Printing paper and envelopes	Denver-Colorado Springs- Pueblo-Arkansas Valley; Graves, N.W. Thacker, Ephraim, Rio Grande	Trailways	Early morning delivery; Excellent service for 20-25 years
10. H & H Printing Co. Colorado Springs Fine printing paper and ink	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande	None indicated	Other carriers did not know how to handle paper like it should be handled; Has used Star exclusively for over 25 years for excellent service
11. Brake Service Wholesale, Inc. Colorado Springs Brakes, clutches and wholesale automotive parts	Denver-Colorado Springs- Lamar; Graves, N.W., Thacker, Ephraim, Rio Grande	Uses Thacker from Denver to Colorado Springs	Prompt, overnight-early morning delivery; Little or no problems as to either damages or shortages while using Star
12. B. F. Goodrich Co. Colorado Springs New and retread tires	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	Has tried Rio Grande, Red Ball and Thacker; Has not been satisfied with Rio Grande or Red Ball	Excellent service by Star; Need competitive transportation to Thacker

	Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
13.	Colorado Springs Auto Parts Colorado Springs Auto parts	Denver-Colorado Springs- Pueblo; Graves, N.W., Thacker, Ephraim, Rio Grande, Clark	UPS, bus, Rio Grande	Star a thorough, clean, organized operation; Regular reliable early morning delivery
14.	McConnell Hardware Co. Colorado Springs Retail hardware supply	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	Occasional use of Thacker and Ephraim	Little or no problems with shortages or damages; Fine service; Need competitive transportation in situation
15.	Pikes Peak Lithographing Co. Colorado Springs Printed and unprinted paper	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	None indicated	Star knows how to handle paper; No problems as to damages or short shipments; Excellent service; Need competitive transportation situation
16.	Ramada Exxon Service Station Colorado Springs Oil, tires, batteries, parts and accessories	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	None indicated	Overnight, early morning delivery service; Need competitive transportation situation
17.	Colorado Springs Equipment Co. Colorado Springs Motor truck parts and rebuild or exchange items	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	Occasionally uses Thacker	Overnight-early morning delivery service; No problems as to damages or shortages with Star; Need competitive transportation situation
18.	Puffer Mercantile Co. Colorado Springs Coarse paper and non-perishable groceries	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	None indicated	Personalized deliveries; Star more cooperative; No problems with damages or shortages not resolved satisfactorily; Very fine service; Need competitive transportation situation

	Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
19.	Ponca Wholesale Mercantile Company Colorado Springs Tobacco products, cigars, cigarettes, candy, paper goods, fountain supplies, restaurant supplies	Denver-Colorado Springs- Pueblo; Graves, N.W., Thacker, Ephraim, Rio Grande, Clark	Some use of Thacker	Early morning delivery service; Fast claims settlement; Excellent service; Need competitive transportation situation
20.	D & M Electronic Supply, Inc. Colorado Springs Electronic parts	Denver-Colorado Springs- Pueblo-Lamar-La Junta- Springfield; Graves, N.W., Thacker, Ephraim, Triangle, Rio Grande, Clark	None indicated	Excellent service; Need competitive transportation situation
21.	Performance Auto Parts and Machines, Inc. Colorado Springs Auto parts; rebuilt engines	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	None indicated	Quick claims service; Fine service; Need competitive transportation situation
22.	Looart Press, Inc. Colorado Springs Envelopes and raw stock paper	Denver-Colorado Springs- Arkansas Valley; Graves, N.W., Thacker, Ephraim, Rio Grande,	Also uses Thacker, A&A	No problems as to damages or shortages; Early morning delivery; Very fine service; Need competitive transportation situation
23.	Goffe, Wilkins Hardware Company, Inc. Colorado Springs Recreational vehicles, marine supplies and equipment	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	None indicated	Saturday morning delivery service; No damage claims; Star faster than others; Need healthy transportation system in Colorado Springs

	Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
24.	Butler Paper Company Colorado Springs Paper products	Denver-Colorado Springs; Graves, N.W., Thacker, Ephraim, Rio Grande,	None indicated	Early morning delivery; Flexibility; Few damage claims; Need competitive transportation situation
25.	Motor Supply Company Lamar Automotive parts	Denver-Lamar;Pueblo-Lamar; Graves, Ephraim, D-L-B	Has used Ephraim, D-L-B	Next morning delivery; Excellent service; Need competitive transportation situation
26.	Valley Chevrolet- Oldsmobile, Inc. Lamar Auto parts and supplies	Denver-Lamar; Pueblo-Lamar; Graves, Ephraim, D-L-B	Has used Ephraim but because of shortages and delays has started using Star; also used D-L-B	Dependable next morning delivery; Feels adequate service would be adversely affected if Star is not allowed to continue to serve as in past
27.	Frey Sales and Service Lamar Compressor units for air-conditioning systems	Denver-Lamar; Colorado Springs-Lamar; Pueblo- Lamar; Graves, Ephraim, D-L-B	Has used Jackson, Red Ball, Ephraim and D-L-B	Overnight-next morning delivery; No damages, delays or shortages; Satisfactory service; Without Star, competitive situations could be adversely affected
28.	Lamar Diesel Service, Inc. Lamar General repair, parts	Denver-Lamar; Pueblo- Lamar; Graves, Ephraim, D-L-B	Has used Red Ball, Jackson, and D-L-B	Early morning delivery; No problems with Star; Need competitive transportation situation
29.	M-N Furniture and Appliance Company Lamar Furniture, appliances, carpeting	Denver-Lamar; Colorado Springs-Lamar; Pueblo- Lamar; Graves, Ephraim, D-L-B	Has used Ephraim and D-L-B	Overnight-next morning delivery; Star service very good

	Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
30.	Walts Heating and Air-Conditioning Lamar Pipe fitting and repair parts	Denver-Lamar; Pueblo- Lamar; Graves, Ephraim, D-L-B	Has used Ephraim, D-L-B	Overnight-next morning delivery
31.	Root Electric Company Lamar Light fixtures, conduit and other electrical supplies	Denver-Lamar; Colorado Springs-Lamar; Pueblo- Lamar; Graves, Ephraim, D-L-B	Has used Ephraim and Red Ball	No problems with damages or shortages; Permit Star to continue; Competitive situation in the Valley
32.	Wallace Oil Company Lamar Automotive supplies	Denver-Lamar; Graves, Ephraim, D-L-B	Has used Red Ball	Next morning delivery; No delays or shortages
33.	Car Palace, Inc. Lamar New and Used Cars, body and engine parts, automotive parts and supplies	Denver-Lamar; Graves, Ephraim, D-L-B	D-L-B, Graves, Ephraim	Star's service better; Early next morning delivery; Competitive transportation system in the valley
34.	Green and Babcock Lumber Company Rocky Ford Lumber, hardware supplies, paint, doors, windows, building supplies and paneling	Denver-Rocky Ford; Colorado Springs- Rocky Ford; Pueblo- Rocky Ford; Graves, Ephraim	Has used Red Ball and Ephraim	Overnight-next morning delivery; Few damage claims and those handled fast; No shortages; Excellent service; Competitive situation

	Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
35.	June Chevrolet Company Rocky Ford Automotive parts, tires, hoods, fenders,	Denver-Colorado Springs- Rocky Ford; Graves, Ephraim	Has used Ephraim and Jackson in the past	Overnight-next morning delivery; Little problems with damages or shortages; Claims settled quickly; Competitive transportation situation
36.	Northrup, King and Co. Rocky Ford Vegetable seed and farm seed	Denver-Rocky Ford; Graves, Ephraim	Has used Ephraim, Fowler and Jackson - not doing the job	Damages and delays from other carriers; Star overnight-next morning delivery; Star to interline in Denver with Edson Express; Doesn't want to provide own transportation service
37.	Moreland Implement Company Rocky Ford Farm equipment, parts and supplies	Denver-Rocky Ford; Colorado Springs- Rocky Ford; Graves, Ephraim	Has used Ephraim and Red Ball- not satisfied	Excellent service from Star; Hope Star can interline in Denver to handle shipments from Greeley; Competitive transportation situation
38.	Rocky Ford Auto Parts, Inc. Rocky Ford Automotive parts	Denver-Rocky Ford; Colorado Springs- Rocky Ford; Graves, Ephraim	Has used Ephraim in the past	Fast claims settlement; Dependable overnight delivery services; No shortages; Need a healthy competitive transportation system
39.	Valco, Inc. Rocky Ford Equipment parts	Denver-Rocky Ford; Colorado Springs- Rocky Ford; Pueblo- Rocky Ford; Graves, Ephraim	Has used Ephraim, Red Ball and Jackson in the past	Early morning delivery service; No damages or shortages; Excellent service; Need competitive transportation system

	Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
40.	Double R Automotive, Inc. Rocky Ford Automotive wholesale and resale parts	Denver-Rocky Ford; Colorado Springs- Rocky Ford; Pueblo- Rocky Ford; Graves, Ephraim	Has used Ephraim and Red Ball in the past	Overnight delivery service; No damage or shortage problems; Excellent Star service; Wants Star to be able to interline in Denver to handle shipments out of Fort Collins
41.	P L Reynolds Machine and Welding Company Rocky Ford Weighing equipment and seed thrashers	Denver-Rocky Ford; Colorado Springs- Rocky Ford; Graves, Ephraim	Has used Jackson, Ephraim and Red Ball in the past	Next morning delivery service; No problems with damages or shortages; Very fine service; Need competitive transportation situation
42.	Taylor Lumber Company La Junta Building materials	Denver-La Junta; Colorado Springs- La Junta; Pueblo- La Junta; Graves, Ephraim	Used Red Ball in the past; still uses Ephraim occasionally	Early morning delivery; No problem with damages or shortages; Very fine service; Need competitive transportation system
43.	Valley Auto Parts, Inc. La Junta Auto parts and supplies	Denver-La Junta; Graves, Ephraim	Has used Ephraim and Red Ball in the past	• Early morning delivery service; No problem with damages or shortages; Excellent service; Competitive transportation situation
44.	R N Mason and Son La Junta Tobacco, cigarettes, candy, janitorial supplies, paper supplies and restaurant supplies	Denver-La Junta; Pueblo-La Junta; Graves, Ephraim	Has used Ephraim and Red Ball in the past; Had problems with Ephraim on getting claims paid and had shortages	Claims with Star promptly settled; Excellent service; Need competitive transportation system

	Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
45.	V R (Bud) Quick La Junta Truck parts,	Denver-La Junta; Graves, Ephraim	Used Jackson in the past	Overnight delivery service; No shortages or damages with Star; Good service even though not a daily customer; Need healthy competitive transportation system
46.	Motor Supply, Inc. La Junta Automotive parts and supplies	Denver-La Junta; Graves, Ephraim	Has used Red Ball in the past	Overnight delivery service; No shortages or damages; Need healthy competitive transportation system in the valley
47.	Wallace Oil Company La Junta Tires, batteries, automotive accessories	Denver-La Junta; Graves, Ephraim	No indication	Next morning delivery; Excellent Star service; Competitive transportation situation
48.	Bonds Building Materials, Inc. Fowler Hardware, paint, appliances, tires, cupboards and other building materials	Denver-Fowler; Graves, CATS Fowler Truck Line	Has used Fowler Truck Line, Ephraim and Red Ball	Early morning-next day delivery; Wants Star to be able to interline in Denver; Excellent service; Few problems with shortages or damages; Quick claims service; Need competitive transportation system
49.	M-C Automotive Supply Company, Inc. Fowler Auto parts	Denver-Fowler; Fowler Truck Line, Graves, CATS	Has used Fowler Truck line in the past-Fowler not consistent on delivery and problems settling claims	Next day-early morning delivery service; Excellent service; Need competitive transportation situation

	Shipper, Location, Commodities	Origin & Destination Points Existing Services	Use of Existing Services	Basis of Support of Star
50.	Southwestern Supply Pueblo Bathtubs, evaporation coolers, plumbing and heating supplies	Pueblo-Arkansas Valley; Denver-Pueblo; Graves, N.W., Thacker, Ephraim, Las Animas, Rio Grande, Clark, CATS	None indicated	Little damage to shipments; Fine service; Customers like to have Star available; Competitive transportation system between Pueblo and Arkansas Valley
51.	N O Nelson Company Pueblo Pipe, pipe fittings, bathroom fixtures, other plumbing parts and supplies	Pueblo-Arkansas Valley; Graves, Ephraim, Las Animas, CATS	Occasionally uses Ephraim	No damages or shortages on using Star; Fast dependable service; Healthy transportation system in the valley