

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MARVIN B. CARROLL AND KENNETH M.)	
CARROLL, CO-PARTNERS, HAYDEN, COLO-)	
RADO, FOR AUTHORITY TO OPERATE AS A)	APPLICATION NO. 13258-PP
CLASS "B" PRIVATE CARRIER BY MOTOR)	
VEHICLE FOR HIRE.)	
-----)	

March 9, 1955

Appearances: Marvin B. Carroll, Hayden,
Colorado, pro se;
Kenneth M. Carroll, Hayden,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicants herein seek 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 twenty-five miles of Hayden, to Hayden, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Craig, Colorado, February 24, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Marvin B. Carroll, one of the applicant co-partners, testified that he had been hauling coal from the Commander Mine, thirteen miles southeast of Hayden, to Hayden, for the past week, under the authority of one Jack Becker. His equipment consists of a 1947 Dodge Truck, fifteen tons capacity, and the net worth of the applicants is \$50,000.00. He has been requested to obtain the authority by the operator of the mine named.

Kenneth M. Carroll, his partner, corroborated his testimony, and stated that he has had several years experience in the transportation business.

Louis Ciani, operator of the Commander Mine referred to, appeared in support of the application, testifying that he needs the service of applicant to haul his coal to the railhead at Hayden, and would use the service, if authority herein sought is granted.

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

The operating experience and financial dependability of applicants were established to the satisfaction of the Commission.

It did not appear that applicants' proposed service will impair the efficiency of any common carrier service operating in the territory sought to be served by applicants.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Marvin B. Carroll and Kenneth M. Carroll, co-partners, Hayden, Colorado, should be, and they hereby are, 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 twenty-five miles of Hayden, to Hayden, Colorado.

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

That 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.

That 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.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

~~Joseph W. Kearley~~ ✓
~~Ralph C. Gordon~~
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
CARL W. BUSSINGER, ROUTE 3,)	PERMIT NO. B-4230
BOX 228, DENVER 16, COLORADO.)	<u>PUC NO. 2797-I</u>
- - - - -)	

- - - - -
March 10, 1955
- - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl W. Bussinger, Denver, Colorado, requesting that his Private Carrier Permit No. B-4230 and PUC No. 2797-I be suspended for six months from March 27, 1955.

It appears from the records and files herein that, by Decisions Nos. 43340 and 43341, of date September 30, 1954, said Carl W. Bussinger was authorized to suspend operations under said permit and certificate until March 27, 1955, upon his representation that he was "retired."

He now represents to the Commission that he has leased his permit and certificate to Watson Brothers Van Lines and Heavy Hauling Company, Omaha, Nebraska.

It appears from the records of the Commission that said Carl W. Bussinger has never filed with the Commission an application for approval of a lease of said permit and certificate to Watson Brothers, or to any other person.

Rule 6 of Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 15, 1950, provides that:

"no private carrier shall lease his permit unless
and until application has been made to, and
authority obtained from, the Commission so to do,"

and there is a similar provision in the Rules and Regulations Governing Common Carriers. Colorado Revised Statutes, 1953, Section 15--11--4, provides that any permit may be leased only upon authorization by the Commission.

The Commission is of the opinion that neither the fact that this carrier has retired from business, nor the fact that he has leased his permit and certificate without authorization by this Commission, is ground for any further extension of the suspension of his operations.

F I N D I N G S

THE COMMISSION FINDS:

That the instant requests should be denied.

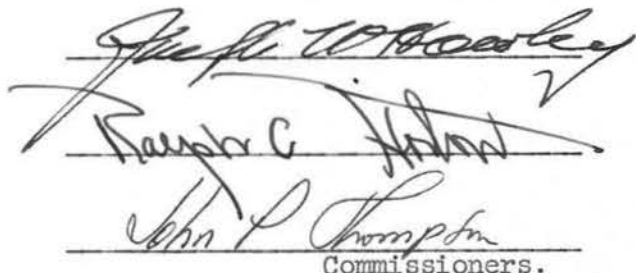
O R D E R

THE COMMISSION ORDERS:

That the requests of Carl W. Bussinger, Denver, Colorado, for authority to further suspend operations under Permit No. B-4230 and PUC No. 2797-I should be, and hereby are, denied.

That under the provisions of Decisions Nos. 43340 and 43341 above referred to, said permit and certificate, unless reinstated by proper application, on or before March 27, 1955, shall be revoked on said date, without the right to reinstate, and without further action by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FRANK J. MODICA, 1804 EAST MAIN
STREET, TRINIDAD, COLORADO, FOR
AUTHORITY TO TRANSFER PERMIT NO.
B-3567 TO AUGUST J. MODICA, PHILIP
MODICA, AND FRANK J. MODICA, CO-
PARTNERS, DOING BUSINESS AS "MODICA
BROTHERS," 922 ROSITA STREET,
TRINIDAD, COLORADO.

APPLICATION NO. 13299-PP-Transfer

March 10, 1955

S T A T E M E N T

By the Commission:

By Decision No. 26710, of date September 21, 1946, Frank J. Modica, Trinidad, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

lumber from mills in the mountains west of Trinidad, to Trinidad and points in Las Animas County; coal from mines within a radius of ten miles of Trinidad, to Trinidad and points in said area; wood from mills and forests west of Trinidad, to Trinidad and points in said ten-mile radius; sand and gravel from supply points in Huerfano and Las Animas Counties, to Trinidad; ashes and trash from Trinidad to dump grounds in the vicinity thereof, applicant to charge the rates prescribed by the Commission in all cases,

said operating rights being designated "Permit No. B-3567."

By Decision No. 37013, of date July 3, 1951, said permit-holder was authorized to extend operations under said Permit No. B-3567 to include the right to transport:

sand, gravel, and other road-surfacing materials from pits and supply points in Colorado to jobs within a radius of fifty miles of said pits and supply points, including the right to haul sand and gravel to building construction job to be used in making concrete, excluding service in Boulder, Clear Creek, and Gilpin Counties and all territory within a fifty-mile radius of Denver, Colorado.

By Decision No. 43880, of date January 3, 1955, said permit-holder was authorized to further extend operations under Permit No.

B-3567 to include the right to transport:

fire clay from pits in Las Animas County to Standard Fire Brick Company, of Pueblo, Colorado.

By the instant application, Frank J. Modica, Trinidad, Colorado, seeks authority to transfer Permit No. B-3567 to August J. Modica, Philip Modica, and Frank J. Modica, co-partners, doing business as "Modica Brothers," Trinidad, Colorado.

Inasmuch as the files of the Commission and the application herein show that said application is in good standing; that transferees, pecuniarily and otherwise, are qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Frank J. Modica, Trinidad, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3567 -- being the operating rights granted by Decisions Nos. 26710, 37013, and 43880 -- to August J. Modica, Philip Modica, and Frank J. Modica, co-partners, doing business as "Modica Brothers," Trinidad, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions

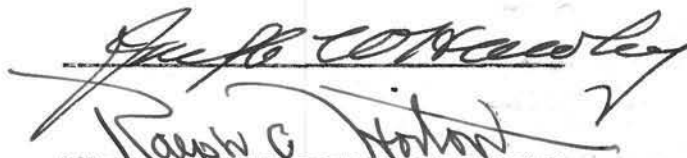
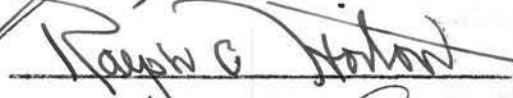

and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This order is made a part of the permit authorized to be transferred.

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 10th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. EARL ELLIS AND GLENN ELLIS, CO-)
PARTNERS, DOING BUSINESS AS "W. E.)
ELLIS AND SON," 1912 SEVENTH AVENUE,)
GREELEY, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 13273

March 10, 1955

Appearances: W. Earl Ellis, Greeley, Colo-
rado, pro se;
Glenn Ellis, Greeley, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, W. Earl Ellis and Glenn Ellis, co-partners, doing business as "W. E. Ellis and Son," Greeley, Colorado, seek a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of houses and other buildings throughout the State of Colorado.

Said application was regularly set for hearing before the Commission on March 4, 1955, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

When the application was called for hearing, applicants stated that their attorney had just advised them that he would be unable to appear, because of other commitments, and that the application was to be prepared for presentation by their attorney.

Under the circumstances, they were unable to proceed, and requested that the application be dismissed, without prejudice.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

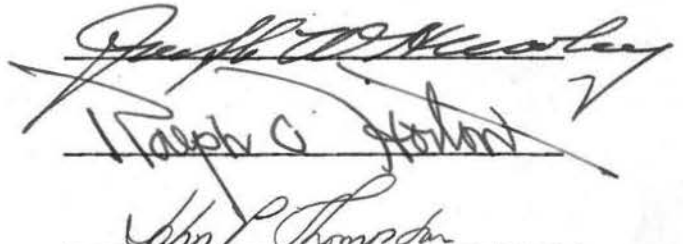
O R D E R

THE COMMISSION ORDERS:

That Application No. 13273 should be, and the same hereby is, dismissed, without prejudice, at the request of applicants herein.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. STRICKER, A. STRICKER, JR., AND)
J. P. GERRINGER, CO-PARTNERS, DOING)
BUSINESS AS "A. STRICKER & SONS,")
4414 DELAWARE STREET, DENVER, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 13272-PF

March 10, 1955

Appearances: Harold D. Torgan, Esq.,
Denver, Colorado, and
A. B. Mattson, Esq., Denver,
Colorado, for applicants;
E. B. Evans, Esq., Denver,
Colorado, and
John J. Boken, Golden, Colo-
rado, for Westway Motor
Freight, Inc.;
H. D. Hicks, Denver, Colorado,
for Weicker Transfer and
Storage Company;
J. P. Norman, Denver, Colo-
rado, for Navajo Freight
Lines, Inc.;
A. L. Mueller, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of drugs and sundries (those items usually sold by wholesale and retail drug stores), from Denver, Colorado, to points within a radius of fifteen miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 4, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, A. Stricker, senior member of the applicant co-partnership, testified that the firm consists of himself, his son, and his step-son. They have been operating under a Commercial Carrier Permit. They will be satisfied with a Private Carrier Permit limited to three customers, only. For the past seventeen years they have served McKesson and Robbins, Inc., wholesale druggists, delivering their products to drug stores -- usually in Denver, but at times to stores in the fringe area. The orders are filled in the warehouse, sorted by applicants, and delivered by them to retail drug stores. Applicants have also served Republic Drug Co. since 1930, and William W. Myer Drug Stores Co. since 1924, delivering merchandise from their warehouses to their retail stores. The necessity for the fifteen-mile radius of Denver is the fact that these companies now have retail stores in Aurora, Englewood, Littleton, Arvada, Edgewater, Wheatridge, Lakewood, Altura, Buckley Field, and Derby, and expect to establish additional stores within the radius. No deliveries are to be made from the retail stores to customers. The shipments vary in size and weight. Applicants own nine pieces of equipment used in the operation.

A Stricker, Jr., the partner who is in active charge of the operation, corroborated the testimony of his father. He stated that, at times, McKesson and Robbins, Inc. shipped in an entire "set-up", including display cases, for the interior of a retail drug store, and this merchandise has been delivered by applicants. Hence the application was made to cover "sundries." Some of this class of merchandise is at times transported by Republic and Myer from their warehouses to their retail stores.

J. C. McKinney, an accountant for McKesson and Robbins, appeared in support of the application, emphasizing the personalized service of applicants. They offer daily service and handle all of this firm's transportation business between its warehouses and from its warehouses to retail stores, except that Westway handles all shipments to Golden, and no change in that service is contemplated. His firm has one account at Adams City, but none at Brighton. As to the fixtures or "sundries" mentioned, most of

these are shipped direct from the manufacturers to the retail drug stores, but some are handled through his firm's warehouse.

Earl H. Masoner, Warehouse Manager of the Republic Drug Company, also supported the application. His firm has one retail out-let at Aurora, and anticipates opening others in the Denver fringe area. The service of applicants has been satisfactory in their delivery of drugs from warehouse to stores, and is needed. It is personalized service, in that applicants have the run of the warehouse and stores, the merchandise can be shipped in open boxes, the cartons need not be sealed, and the merchandise is sorted for shipment by the applicants.

T. J. Roseberry, General Manager of William W. Myer Drug Stores Co., testified that his firm operates seven retail stores -- one in Englewood -- and applicants furnish the complete service required. The special delivery of drugs and sundries from the McKesson and Robbins Warehouse to these stores is very important.

No testimony was offered in opposition, but it was stipulated between applicants and protestants that the application should be amended to describe the area to be served to read as follows:

"The City and County of Denver, Colorado, and all points within a radius of sixteen miles of the intersection of Colfax Avenue and Broadway in said City, with no service authorized west of Simms Street, in Jefferson County, Colorado."

The amendment was permitted.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted, as limited in the following Order.

O R D E R

THE COMMISSION ORDERS:

That A. Stricker, A. Stricker, Jr., and J. P. Gerringer, co-

partners, doing business as "A. Stricker & Sons," Denver, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of drugs and sundries (those items usually sold by wholesale and retail drug stores), from and to the warehouse, or warehouses, of McKesson and Robbins, Inc., to and from retail drug stores, and from and to the warehouse, or warehouses, of Republic Drug Co. and William W. Myer Drug Stores Co., to and from the retail drug stores of the respective companies, all within the following area, to-wit: the City and County of Denver, Colorado, and all points within a radius of sixteen miles of the intersection of Colfax Avenue and Broadway in said City, with no service authorized west of Simms Street, in Jefferson County, Colorado.

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

That this order is the permit herein provided for, but it shall not become effective until applicants have filed statements of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

That 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.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1955.

original

(Decision No. 44050)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES E. KENNEDY, 624 WEST FIRST)
STREET, LOVELAND, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 13267

March 10, 1955

Appearances: Ralph Waldo, Jr. and R. E. Waldo,
Esqs., Greeley, Colorado, for
Loveland Taxi Empire Dispatch,
Inc.; and Ace Cab Company;
Dewey H. Bussard, Loveland,
Colorado, pro se;
T. L. James, Denver, Colorado,
for Colorado Motor Way and
Colorado Transportation Com-
pany.

S T A T E M E N T

By the Commission:

By application filed January 5, 1955, the applicant seeks authority as a scheduled common carrier by motor vehicle for hire to transport passengers to the Clover Leaf Kennel Club, which is now under construction approximately 5 miles northeast of Loveland, Colorado, from Loveland, Estes Park, Fort Collins, and Greeley, Colorado, and Cheyenne, Wyoming.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, March 3, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

The matter being called up for hearing, applicant stated that he is aware that this Commission would have no authority to permit transportation from Cheyenne as requested, and withdrew from the application that portion respecting Cheyenne.

It appeared from the evidence that Clover Leaf Kennel Club is a dog race track now in the process of being constructed, and expected

to be in operation during the summer of 1955. The dog races are expected to be run at night, approximately three months each year. Applicant desires authority to take dog track patrons from the principal cities and towns near the track to the track during the racing season.

Applicant presently has no equipment, but has in mind to obtain used 36-passenger buses. He would operate on fixed schedule and would not render taxi service.

It appeared that the dog track is approximately 5 miles from Loveland, 15 miles from Greeley, 20 miles from Fort Collins, and 35 miles from Estes Park. Applicant would have three buses coming to the track each night during the season, with only one run per night per bus. He would make no other use of the buses.

It appeared from the evidence that applicant had operated a bus in the Loveland area under temporary permit during 1949 and that his net worth is approximately \$7,000.00.

On behalf of protestant Ace Cab Company of Fort Collins, it appeared that this protestant's 1954 operation resulted in a \$2,700.00 loss. It was stated that this Company could not operate if additional competition entered the field. It appeared that this protestant has authority to serve an area including the dog track and Fort Collins.

Similar evidence was submitted as to Loveland Taxi, which commenced operation only in June 1954, but which netted \$200.00 for seven months during 1954 without allowance for depreciation. It appeared that this protestant has authority to serve the dog track area from Loveland and could not stay in business if additional competition entered the field.

On behalf of Yellow Cab and Delivery Service, evidence was submitted for the purpose of showing that adequate service now exists from Greeley, Colorado, to the track. This protestant does not have authority to deliver passengers from the dog track back to Greeley, however, unless the call or arrangement is made in the area within four

miles of the Greeley Court House.

On behalf of Colorado Motor Way and Colorado Transportation Company, it appeared that these protestants have seasonal authority to operate bus service from Estes Park on the west to Greeley on the east, which service at present is a one time service per day during day light hours. This route passes within one mile of the dog track. It appeared that these Companies had attempted to provide a similar service to the highly successful dog track near Denver when that track was opened, said service being to that track from Boulder and Longmont, both of which are comparable in size to the cities and towns applicant here proposes to serve. The experience of these protestants is that because patrons prefer to go to the track by automobile, there was not enough patronage to permit the service to operate, even on a charter basis with subsidy from the track management; and the service was therefore discontinued.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

It seems evident to the Commission that to grant the authority sought would be to the detriment of existing carriers authorized to transport passengers to the dog track in question.

It further appears to the Commission that such operation is not economically sound. In order to render the proposed service, applicant must obtain three buses and hire two drivers. The sole use of these buses and drivers will be for a period of approximately four hours, on one trip each day, only three months per year. The trip from Greeley to the track is illustrative of the problems to be encountered. The bus would be driven thirty miles each day. The revenue from this 30 miles must be sufficient to pay the driver, pay fuel costs and up-keep and allow for depreciation. This is without considering any return upon investment. It is self evident that the per-mile cost of operating a bus over this short distance and this

infrequently must be very high, and consequently any fare applicant would charge must be in the range of the fare to be charged by existing taxi services. The Commission finds that, if fares in the general range of existing taxi fares must be charged, existing service is adequate to serve the public need.

It thus does not appear how the public will benefit from this proposed additional service; but it is apparent that bringing an additional competitor into the field, which is presently not a lucrative one, may have the result, by dividing revenues among those carriers, of destroying existing passenger service, thus leaving the public with no passenger service whatsoever, either to the dog track or within the respective cities. On the basis of the evidence here presented, the Commission is not justified in subjecting the public to this risk. The application should therefore be denied.

O R D E R

THE COMMISSION ORDERS:

That the instant application of James E. Kennedy, Loveland, Colorado, be, and the same hereby is, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROBERT H. STAGE, DOING BUSINESS AS)	
"GRAND LAKE FREIGHT LINE," 1755)	
WEST 13TH AVENUE, DENVER, COLORADO,	)	APPLICATION NO. 13281-PP
FOR A CLASS "B" PERMIT TO OPERATE)	
AS A PRIVATE CARRIER BY MOTOR VE-)	
HICLE FOR HIRE.)	
-----)	

March 11, 1955

Appearances: Albert L. Vogl, Esq., Denver,
Colorado, for applicant;
John H. Lewis, Esq., Denver,
Colorado, for North Park
Transportation Co., Inc.;
Harold D. Torgan, Esq., Denver,
Colorado, for Colorado Transfer
and Warehousemen's Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a private carrier by motor vehicle for hire for the transportation of all kinds of merchandise and commodities, C. O. D. shipments from Denver to Grand Lake, Colorado, and from Grand Lake to Denver, Colorado, including Grand Lake area, and to Junction of Highway with the Trail Ridge Road, and ranches and cottages in the immediate vicinity, Route U. S. Highway No. 40 to Granby; U. S. Highway No. 34 to Grand Lake, and to junction with the Trail Ridge Road.

Said applicant, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 8, 1955.

When the matter was called up for hearing, protestant asked that the heading of the documents in file or hereafter issued in the matter be changed to denominate the permit sought as an "A" permit. There being no objection, the request was granted.

Applicant requested continuance of the hearing for at least two weeks, as applicant had been disappointed by his customer witnesses, and needed additional time for preparation. There being no objection, this request was also granted. The matter will be re-set at some future time convenient to the Commission, of which setting notice shall be given to all parties.

Applicant also renewed his request that the matter be heard at Grand Lake, Colorado, not later than June 1, 1955. This matter was taken under advisement, with the understanding that the notice of further hearing when issued will indicate the decision of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That hearing in the above-styled application should be continued to a date to be determined by the Commission.

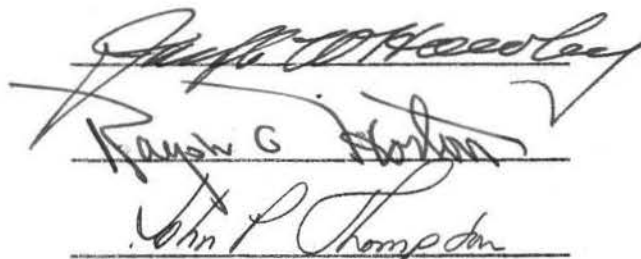
O R D E R

THE COMMISSION ORDERS:

That the above-styled application is hereby continued, said matter to be re-set for hearing at a later date to be determined by the Commission, with notice to all parties in interest.

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 11th day of March, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMER A. HUTTON, 205 WEST 8TH)
STREET, CRAIG, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER PERMIT NO. A-3095 AND PERMIT)
NO. A-3095-I.)
-----)

APPLICATION NO. 13257-PP-Extension

March 11, 1955

Appearances: Sid Pleasant, Esq., Craig,
Colorado, for applicant;
Leonard Gray, Craig, Colorado,
for Gray Truck Line.

S T A T E M E N T

By the Commission:

By the above-styled application, Elmer A. Hutton, Craig, Colorado, owner and operator of Permits Nos. A-3095 and A-3095-I, seeks authority to extend operations under said permits to include the right to transport ore from Craig, Colorado area to Rifle, Colorado, and Grand Junction, Colorado, over Routes Nos. 40, 13, 6 and 24.

Said application was set for hearing at the Court House, Craig, Colorado, on February 24, 1955, with due notice to all parties in interest.

When the application was called up for hearing, counsel for applicant stated that his material witnesses were in a hospital at Craig, and requested that the setting be vacated and the application re-set for hearing at a later date, at the convenience of the Commission.

Protestant offered no objection.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearing on the above-styled application should be, and the same hereby is, continued, said matter to be re-set for hearing at a later date to be determined by the Commission.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DICK NOLAN, DOING BUSINESS AS "NOLAN)
FLIGHT SERVICES," GREELEY, COLORADO,) APPLICATION NO. 13275
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)
- - - - -)

- - - - -
March 11, 1955
- - - - -

Appearances: Dick Nolan, Greeley, Colorado,
 pro se;
 W. F. Bridgeman, Denver, Colo-
 rado, for the Commission.

S T A T E M E N T

By the Commission:

The above-styled application was filed by Dick Nolan, doing business as "Nolan Flight Services," Greeley, Colorado, for a certificate of public convenience and necessity, to operate as a common carrier for the transportation by aircraft, on call and demand, of persons and property, not on schedule, from, to and between all points within the State of Colorado, with a base of operations at Greeley, Colorado, in intrastate and interstate commerce.

Public hearing was had in Denver, Colorado, at ten o'clock A. M., on March 7, 1955, after appropriate notice to all parties in interest, and the matter was taken under advisement.

Applicant, Dick Nolan, testified that he owns approximately eighteen airplanes at this time, all duly certificated aircraft, several of which are suitable for passenger-carrying operations.

Applicant will carry suitable insurance protection covering public liability, property damage, and passenger liability insurance, and will continue to carry such insurance and any other insurance protection that may be required by the Commission in the event the certificate is granted.

Applicant does not propose to establish service in competition with service of carriers by air operating on schedule between fixed points.

Applicant submitted a satisfactory financial statement, a list of his aircraft equipment, and a certificate of insurance showing suitable public liability, property damage, and passenger liability insurance.

Investigation by the Commission's Aeronautical Inspector discloses that applicant's facilities are adequate; that aircraft is in good condition, and apparently airworthy, and suitable for irregular operations; that log books and flight records are current; that applicant is able and qualified, and should be able to provide an adequate fixed-base operation.

The question of jurisdiction of this Commission to issue, and the propriety and necessity of issuing, certificates of public convenience and necessity for "non-schedule" or "irregular" common carrier service by air has been fully discussed in our Decision No. 30379, issued April 30, 1948, in Application No. 8734, "In the matter of the Application of Great Plains Aviation Company, Inc." It is not necessary to review the matter here, and said decision is made a part hereof, by reference.

F I N D I N G S

THE COMMISSION FINDS:

That the matters involved in the instant application are subject to the jurisdiction of this Commission; that existing means of transportation in the area embraced in this proceeding would be substantially improved by the inauguration of the proposed non-scheduled air service of applicant; that public convenience and necessity require the authorization of air transportation of persons and property by applicant, as proposed; that the safety rules and regulations developed by the Civil Aeronautics Board, over a period of years which are based on experience, generally speaking, assure the public of a maximum of

safety in operation; that applicant should be required to comply with the Civil Air Regulations of the Civil Aeronautics Board presently in effect or to be adopted in the future governing operations, with particular regard to "non-scheduled or irregular air carrier rules," with the privilege of applying to us for a certificate of exemption from compliance with such rules and regulations as applicant may believe should be eliminated; that applicant is fit, willing, and able to perform the proposed air transportation properly, and to conform to our rules, regulations, and requirements -- present or future -- which we may adopt, and that certificate of public convenience and necessity should issue therefor, subject, however, to the conditions and restrictions set forth in the Order following, which, in the opinion of the Commission, the public interest requires.

O R D E R

THE COMMISSION ORDERS:

Upon consideration of the evidence of record, the Commission having issued the foregoing Statement and Findings of Fact, which are hereby referred to and made a part hereof, by reference,

IT IS ORDERED, That present and future public convenience and necessity require, and will require, the proposed non-scheduled operations of applicant; that he should be, and hereby is, authorized to operate as a common carrier by airplane in interstate and intrastate commerce, for the transportation of passengers and property, not on schedule but on call and demand, in irregular service between all points in the State of Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall not establish an office or branch for the purpose of developing business at any town other than Greeley, Colorado, and airports located within ten miles of said town. Except that until such time as a certificated aircraft operator is based at Loveland, Fort Morgan, or Brush, Colorado, applicant may solicit, employ agents and use telephone listings in the foregoing towns.

The exercise of the privileges granted by this certificate shall be subject to the rules, regulations, and requirements of this Commission, and such other terms, conditions and limitations as may from time to time be prescribed by it; that said applicant, at all times, shall comply with all applicable Civil Air Regulations of the Civil Aeronautics Board which are now or hereafter shall be in effect, relating to the airworthiness of the aircraft and safety measures for common carriers of passengers or property by air on call and demand or irregular service provided that applicant may, if it considers any of the said Civil Air Regulations as applied to its proposed operations to be unduly burdensome or unreasonable, apply to this Commission for exemption from such specific requirements of said particular regulation, and upon the granting of said exemption shall be relieved from compliance therewith.

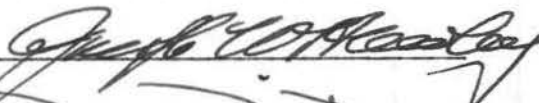
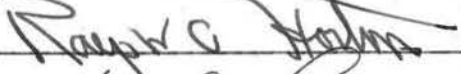

The interstate authority hereby granted is issued as a matter of course, subject to action of Civil Aeronautics Board, it being contemplated that such authority shall become effective only if and when said Board shall authorize such interstate operations by applicant, and only to the extent of such authorization or certificate.

Applicant shall file tariffs, rate schedules and rules and regulations with, and to be approved by, this Commission, within thirty (30) days from the date hereof, and such rates so filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

Jurisdiction is hereby retained of this application and operations under the certificate herein granted to the end that such further order, or orders, as to the Commission may seem proper in the public interest, may be entered herein by it, if and when deemed advisable.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOUIS NARDINI, DOING BUSINESS AS)
"WALSENBURG TAXICAB," WALSENBURG,)
COLORADO, FOR AUTHORITY TO LEASE) APPLICATION NO. 13303-Lease
PUC NO. 1688 TO CHARLES J. KEMSKI,)
DOING BUSINESS AS "WALSENBURG TAXI-)
CAB," WALSENBURG, COLORADO.)
- - - - -)

March 11, 1955

S T A T E M E N T

By the Commission:

Louis Nardini, doing business as "Walsenburg Taxicab," is the owner of PUC No. 1688, being the right to operate a taxicab service as a common carrier by motor vehicle for hire, for the transportation of:

passengers and their baggage, on call and demand, between points within a radius of fifty miles of Walsenburg, subject to the following conditions:

(a) That in the conduct of said operation, applicant's equipment shall be limited to six-passenger automobiles;

(b) For the transportation of passengers between points served by line-haul motor vehicle common carriers, on schedule, rates shall be on the basis of twenty-five cents per mile one way, with fare and a half for round-trip for one passenger, with one-half fare extra for each passenger in addition to a single passenger, either one way or round trip, and \$2.00 per hour waiting time;

passengers and their baggage, in the same vehicle with passengers, in automobiles with capacity of five passengers and driver, between points within a radius of fifty miles of, and including, Walsenburg, Colorado, on the one hand, and, on the other, points and places in the State of Colorado, applicant to charge the following rates for said service:

One passenger - 25¢ per mile (one way)
Each additional passenger carried in the
same vehicle - 12½¢ per mile (one way)
Waiting time to be charged for at the rate of \$2.00 per hour, and to be limited to cars of not more than five-passenger-and-driver capacity; and operations to be governed by general conditions and provisions attached thereto in Decision No. 25780.

By the instant application, Louis Nardini, doing business as "Walsenburg Taxicab," Walsenburg, Colorado, seeks approval of a certain lease and option, of date January 21, 1955, from himself, as owner of PUC No. 1688 to one Charles J. Kemski, of Walsenburg, Colorado.

It appears from said lease and option that said certificate-holder wishes to lease to said Kemski the said certificate for a period of six months, at a monthly rental of Fifty Dollars (\$50.00) per month, payable monthly, in advance, with an option for the purchase by Kemski of said certificate for the sum of Seven Hundred Dollars (\$700.00), proper insurance to be carried by the lessee, and lessor being held harmless as to all claims and indebtedness against said certificate during the period of said lease.

F I N D I N G S

THE COMMISSION FINDS:

That said lease agreement should be approved.

O R D E R

THE COMMISSION ORDERS:

That Louis Nardini, doing business as "Walsenburg Taxicab," Walsenburg, Colorado, should be, and he hereby is, authorized to lease PUC No. 1688 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Charles J. Kemski, doing business as "Walsenburg Taxicab," Walsenburg, Colorado, according to the terms and conditions of "Lease and Option" agreement, of date January 21, 1955, filed with the Commission on January 31, 1955, which, by reference, is made a part hereof.

Provided that lessee shall conduct no operations under said certificate other than such as have been conducted by lessor, and all future operations under said certificate shall be limited to Walsenburg, Colorado, as a base, with no authority to institute taxicab service point to point within any city or town (including Pueblo, Colorado), within the radius of fifty miles of Walsenburg, except Walsenburg, Colorado; all operations to be governed by general conditions and provisions attached thereto in Decision No. 25780.

In the event that lessee shall exercise his option to purchase said certificate, as provided in said "Lease and Option," appropriate application to transfer shall be filed with the Commission, as provided by its Rules and Regulations, and favorable action taken thereon before the transfer shall become effective.

The tariff of rates, rules and regulations of lessor shall, upon proper adoption notice, become and remain those of lessee until changed according to law and the rules and regulations of this Commission.

The right of lessee to operate under this Order shall depend upon the prior filing by lessor of delinquent reports, if any, covering operations under said certificate up to the time of lease of said certificate.

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 11th day of March, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MARVIN C. GORDON, DOING BUSINESS AS
"M. C. GORDON," CASTLE ROCK, COLO-
RADO, FOR AUTHORITY TO TRANSFER
PERMIT NO. B-1366 TO RAY V. NORTON,
BOX 246, CASTLE ROCK, COLORADO.

APPLICATION NO. 13279-PP-Transfer

March 11, 1955

Appearances: Marvin C. Gordon, doing business
as "M. C. Gordon," Castle
Rock, Colorado, pro se;
Ray V. Norton, Castle Rock, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

On May 6, 1954, by Decision No. 42600, M. L. Gordon, Franktown,
Colorado, was authorized to operate as a Class "B" private carrier by motor
vehicle for hire, for the transportation of:

milk and dairy products over a route within
the following-described area, to-wit:

beginning at a point on U. S. Highway No. 85
one mile north of Larkspur, Colorado; thence
east seven miles to the southeast corner of
Section 21, Township 9-South, Range 66-West;
thence north nine miles to the southeast cor-
ner of Section 4, Township 8-South, Range 66-
West; thence west to Castle Rock, Colorado;
thence south along U. S. Highway No. 85 to
place of beginning, to Larkspur, Colorado,

with back-haul of small lots of feed and grain,
only, to milk customers;

milk and cream to Larkspur from farms in the
area described as:

from Larkspur east to a point about five miles
north of Elbert, on Colorado Highway No. 157;
thence south along said highway to Elbert,
Colorado; thence in a southeasterly direction
over country roads through Bijou Basin to
Peyton, Colorado; thence westerly along Colo-
rado Highway No. 50 to Monument, Colorado;
thence north along U. S. Highway No. 85 to
Larkspur, Colorado;

transportation of authorized commodities to include service to shippers on State Highway No. 83 where it intersects Section 5, Township 9-South, Range 65-West; and to include Section 26, Township 7-South, Range 66-West; and from Highway No. 83, via Colorado Highway No. 87 from Franktown to Castle Rock, Colorado; also on U. S. Highway No. 85 from Castle Rock to Section 27, Township 7-South, Range 67-West; thence via U. S. Highway No. 85 to Larkspur, Colorado,

said operating rights being known as "Permit No. B-1366."

By Decision No. 42855, dated June 29, 1954, M. L. Gordon, Franktown, Colorado, was authorized to transfer Permit No. B-1366 to Marvin C. Gordon, doing business as "M. C. Gordon," Castle Rock, Colorado.

By the instant application, said permit-holder seeks authority to transfer said Permit No. B-1366 to Ray V. Norton, Castle Rock, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 8, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, transferor testified that there is no indebtedness connected with his operation; that he knows the transferee to be well qualified to operate under the permit; that he has instructed the transferee in his work; and that his customers have been well satisfied with the efforts of the transferee.

The transferee testified that he has engaged in trucking, principally for himself, for several years and is familiar with the operation now being conducted by the transferor in all of its various aspects. A financial statement of transferee, satisfactory to the Commission, was received in evidence.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Marvin C. Gordon, doing business as "M. C. Gordon," Castle Rock, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1366 -- being the operating rights granted by Decision No. 42600 and Decision No. 42855 -- to Ray V. Norton, Castle Rock, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. Macdonald
Ralph G. Horton
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 11th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REDWOOD COMPANY, A COLORADO CORPOR-)
ATION, 400 RALEIGH STREET, DENVER,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-1048.)

APPLICATION NO. 13280-PP-Extension

March 11, 1955

Appearances: Jackson M. Seawell, Esq., Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

By Decision No. 33524, dated October 5, 1949, applicant's predecessor in interest was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

sand, gravel, and other road-surfacing materials from pits and supply points in the State of Colorado to road and building 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.

By the instant application, as amended and explained at the hearing of the matter, applicant seeks to enlarge this authority to permit him as a Class "B" private carrier by motor vehicle for hire to transport bulk cement for only one company, to-wit: Monolith Portland Midwest Company, within a radius of 75-miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 8, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

It appeared from the evidence that applicant now manages the bulk plant of the Monolith Company in Denver and renders the company a

specialized service of unloading railroad cars into the bulk plant, loading cement from the bulk plant for delivery to the customers of Monolith, and in general supervising and operating the bulk plant, as well as providing the means for delivery of cement sold by the Company. It appeared that the only practical means of delivering bulk cement to road and construction jobs is by truck, and that unless the authority sought is granted applicant's customer, Monolith, cannot continue to be competitive in the cement market in Colorado.

The service rendered at present to this one customer within the 50-mile radius of Denver, and sought to be rendered to the enlarged area is of a specialized nature applicable to only this one customer and, if limited to that one customer, will not impair the efficient public service of any motor vehicle common carrier. There was evidence that only by means of this specialized service can Monolith continue to operate and that existing common carrier service is inadequate to the purpose.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R


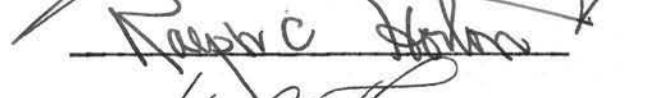

THE COMMISSION ORDERS:

That Redwood Company, a Colorado corporation, Denver, Colorado, should be, and it is hereby, authorized to extend operations under Permit No. B-1048, so that operating rights under said Permit No. B-1048 shall be as follows:

sand, gravel, and other road-surfacing materials from pits and supply points in the State of Colorado to road and building 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; and to transport bulk cement for Monolith Portland Midwest Company, only, within a radius of 75-miles of Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of March, 1955.

mls

(Decision No. 44057)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LIONEL SMITH, 4370 OTIS STREET,)
WHEATRIDGE, COLORADO.)

PERMIT NO. B-4209

March 16, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-4209 be suspended for three months from March 9, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Lionel Smith be, and he is hereby, authorized to suspend his operations under Permit No. B-4209 until June 9, 1955.

That unless said permittee 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 16th day of March, 1955.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THERON B. HOOKER, DOING BUSINESS AS)
"DERBY CAB COMPANY," 380 NORTH)
SIXTH AVENUE, BRIGHTON, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 13278

March 14, 1955

Appearances: Gaunt & Byrne, Esqs., Brighton,
Colorado, by Lysle R. Dirrim,
Esq., for applicant;
John F. Mueller, Esq., Denver,
Colorado, and
Albert A. Norbont, Esq., Denver,
Colorado, for Zone Cabs;
Kobey, Mitchell & McCarthy, Esqs.,
Denver, Colorado, by Robert T.
Burns, Esq., for Publix Cab Co.,
Aurora Transportation Company,
and Englewood Corporation;
Walter M. Simon, Esq., Denver,
Colorado, for Yellow Cab, Inc.,
and Checker Cab, Inc.

S T A T E M E N T

By the Commission:

By his application filed January 28, 1955, as clarified by his testimony at the hearing of the matter, the applicant seeks authority as a common carrier by motor vehicle, doing business as Derby Cab Co., to transport passengers for hire, from point to point within an area bounded on the south by East 56th Avenue, on the west by Colorado Boulevard, on the north by East 80th Avenue, and on the east by Quebec Street; and from and to points within said area to and from points within a zone ten miles wide surrounding said area, with the specific exclusion of business originating within the boundaries of the City and County of Denver.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the

Commission, 330 State Office Building, Denver, Colorado, March 8, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has one automobile at present suitable for the proposed taxicab use and intends to purchase another; that he has a net worth in the range of \$18,000.00 and has a line of credit for an additional \$5,000.00 at the Brighton State Bank; and that he has lived in nearby Brighton since 1931 and is thoroughly familiar with the area to be served. Applicant expressly stated that he does not desire nor intend to solicit business in Denver; that he would have a cab stand in Derby and operate from it at present with out two-way radio; and that he would operate his cabs on a meter basis. He stated that he had looked into the possibilities of the business and is satisfied that there is a need for point to point service within the area, but that such business would not at present be sufficient to support the operation; that it would be necessary for him to be able to carry passengers from the area into Denver in order to operate at a profit.

Though his application seeks "an exclusive certificate of convenience and necessity," applicant understands that no such certificates are issued, and he is willing to commence operation if the certificate is granted, on the basis that he must compete with existing carriers and that the Commission reserves the right to issue certificates in the future as it may deem necessary.

There was testimony that point to point service within the area is non-existent and that a local cab stand is needed to serve the public in that area; that there is extensive residential construction under way and inadequate public transportation to and from the shopping centers within and adjacent to the area. It appears that taxicab companies operating in Denver are willing to go out to the area to pick up customers for return to Denver, but often only on condition that some person with whom they are personally acquainted secures the fare before they come out. It

does not appear that any substantial injury would occur to any existing carrier if a local carrier were authorized to take passengers from the area into Denver, provided this carrier was not permitted to advertise in Denver, cruise Denver for passengers, or accept passengers in Denver for transportation outside Denver.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is, by reference, incorporated hereinto.

That point to point service within the area which applicant seeks to serve is inadequate; that no carrier presently authorized to serve the area would be substantially injured by the granting of the application as limited in the order herein below, and that as so limited the application should be granted.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed motor vehicle common carrier call and demand service of Theron B. Hooker, doing business as "Derby Cab Company," Brighton, Colorado, to transport passengers from point to point within an area bounded by East 56th Avenue on the south, Colorado Boulevard on the west, East 80th Avenue on the north, and Quebec Street on the east, and from and to points within said area to and from points within a zone ten miles wide surrounding said area, with the specific exclusion of business originating within the boundaries of the City and County of Denver, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

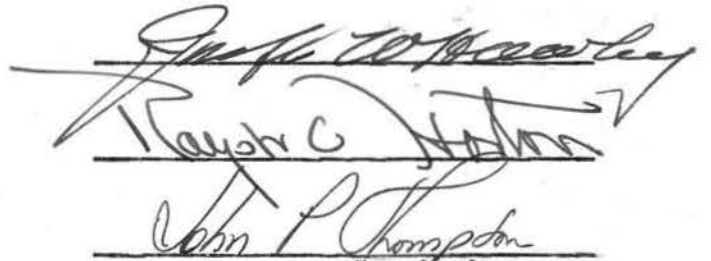
That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God,

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 this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO,
GAS AND ELECTRIC BUILDING, DENVER,
COLORADO, FOR A CERTIFICATE OF PUB-
LIC CONVENIENCE AND NECESSITY TO
EXERCISE FRANCHISE RIGHTS IN THE
TOWN OF RAYMER, COUNTY OF WELD,
STATE OF COLORADO, FOR THE PURCHASE,
GENERATION, TRANSMISSION, DISTRIBU-
TION AND SALE OF ELECTRICITY IN
SAID TOWN, IN THE AREA CONTIGUOUS
THERETO, AND ALONG THE TRANSMISSION
LINE TO THE TOWN.

APPLICATION NO. 13214

March 14, 1955

Appearances: Lee, Bryans, Kelly & Stansfield,
Esqs., by Ralph Sargent, Jr.,
Esq., Denver, Colorado, for
Public Service Company of Colo-
rado;
A. L. Mueller, Esq., Denver, Colo-
rado, and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, Public Service Company of Colorado, hereinafter called the Applicant, seeks a certificate of public convenience and necessity to exercise certain franchise rights in the Town of Raymer, County of Weld, State of Colorado, for the purchase, generation, transmission, distribution and sale of electricity in said town, and in the area contiguous thereto, and along Applicant's transmission line to said town.

The matter was originally set for hearing, after due notice to all interested parties, on Tuesday, January 18, 1955, at 330 State Office Building, Denver, Colorado. Said hearing, however, was vacated at the request of counsel for Applicant and the matter was reset for hearing, after due notice to all interested parties, and was heard on March 1, 1955, in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado.

At the conclusion of the hearing, the Commission took the matter under advisement. No one appeared at the hearing in opposition to the authority sought to be granted by the instant application.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the generation, purchase, transmission, distribution and sale of electric energy and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. A certified copy of Applicant's Composite Certificate of Incorporation together with all amendments thereto has heretofore been filed with this Commission.

Testimony presented by Applicant at the hearing disclosed that Applicant, under the terms and conditions of an electric franchise (the terms of which had not expired) heretofore granted by Ordinance No. 17 of June 9, 1930 of the Town of Raymer, and under authority of that certain certificate of public convenience and necessity heretofore granted by this Commission by Decision No. 3043 dated September 18, 1930 in Application No. 1681, was engaged in the business of transmitting and distributing electricity in and to the Town of Raymer and the inhabitants thereof.

Further testimony presented by Applicant disclosed that on September 13, 1954, the Board of Trustees of the Town of Raymer duly passed and adopted Ordinance No. 1-1954 of the Town of Raymer, entitled as follows:

"An Ordinance granting a franchise by the Town of Raymer, Weld County, Colorado, to Public Service Company of Colorado, its successors and assigns, to locate, build, construct, acquire, purchase, maintain and operate into, within and through the Town of Raymer, a plant or plants, substations, and works, for the purchase, generation, transmission and distribution of electrical energy to the Town of Raymer, and the inhabitants thereof, for light, heat, and power or other purposes by means of conduits, cables, poles and wires strung thereon, or otherwise, on, over, under, along, across and through all streets, alleys, viaducts, bridges, roads, lanes, and other public ways and places in said Town of Raymer, and fixing the terms and conditions thereof."

The terms of said franchise is for a period of twenty-five (25) years, and a certified copy of said franchise together with the certificate as to in-

troduction, passage and signature and the certificate as to recording and the acceptance by Applicant of said franchise was introduced at the hearing, marked Exhibit A, and by reference is made a part hereof.

Applicant proposes by the instant application not only to exercise said franchise rights in the Town of Raymer, but also to distribute and sell electricity in the area contiguous to said town and along its transmission line to said town. Applicant is now supplying electricity for service in the Town of Raymer and in the area contiguous thereto from its inter-connected system in its Sterling Division. Exhibit B introduced at the hearing is a map showing the primary distribution system of Applicant in the Town of Raymer and the area contiguous thereto. Exhibit C introduced at the hearing shows the transmission line of Applicant from the Town of Atwood in Logan County to the Town of Raymer, and the laterals from said transmission line serving rural territory contiguous to said town. These existing facilities of the Applicant will be utilized in continuing said service. Evidence presented at the hearing disclosed that there is no other public utility engaged in the business of distributing and selling electricity in the Town of Raymer or in the area contiguous thereto.

The population of the Town of Raymer is estimated to be 130 people and Applicant is presently serving approximately 75 electric customers in said town.

Applicant estimated that its capital investments to be made for extensions to meet the demands for additional service in the Town of Raymer and the area contiguous thereto during the term of said franchise would not exceed \$5,000. The figure of \$5,000 will be used as the basis for a charge for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed the instant application and the evidence presented by Applicant in support thereof. The Commission is of the opinion that the authority herein sought should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That the public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado of the franchise rights granted in and by Ordinance No. 1-1954 of the Town of Raymer dated September 13, 1954, and the purchase, generation, transmission, distribution and sale of electricity by Public Service Company of Colorado in said town and in the area contiguous thereto and along its transmission line to said town.

O R D E R

THE COMMISSION ORDERS:

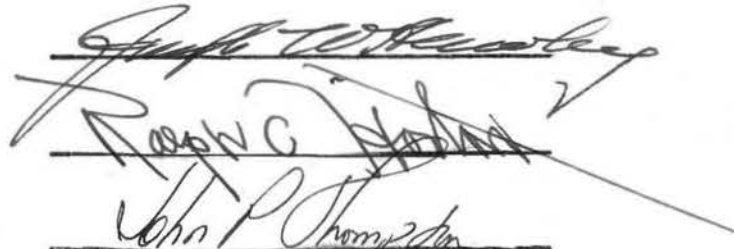
That the public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado of the franchise rights granted in and by Ordinance No. 1-1954 of the Town of Raymer dated September 13, 1954 marked Exhibit A herein, which by reference is made a part hereof, and the purchase, generation, transmission, distribution and sale of electricity by Public Service Company of Colorado in said town and in the area contiguous thereto and along its transmission line to said town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Public Service Company of Colorado shall install, operate and maintain its electric system and supply service in the areas heretofore designated in accordance with its schedules of electric rates, classifications, rules and regulations now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

That Public Service Company of Colorado shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of March, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PUEBLO GAS AND FUEL COMPANY,)
PUEBLO, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PURCHASE, DISTRIBUTE,)
AND SELL NATURAL GAS IN THE UNIN-)
CORPORATED COMMUNITY OF VINELAND,)
PUEBLO COUNTY, COLORADO, TO THE)
AREAS ADJACENT THERETO AND ALONG)
THE ROUTE OF THE DISTRIBUTION MAIN)
TO BE CONSTRUCTED TO RENDER SUCH)
SERVICE.)
- - - - -)

APPLICATION NO. 13215

- - - - -
March 14, 1955
- - - - -

Appearances: Lee, Bryans, Kelly & Stansfield,
by Ralph Sargent, Jr., Esq.,
Denver, Colorado, for The
Pueblo Gas and Fuel Company;
A. L. Mueller, Esq.,
and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, The Pueblo Gas and Fuel Company, hereinafter called the Applicant, seeks a certificate of public convenience and necessity to purchase, distribute and sell natural gas in the unincorporated community of Vineland, Pueblo County, Colorado, to the areas adjacent thereto, and along the route of the distribution main proposed to be constructed by Applicant to render such service.

The matter was originally set for hearing, after due notice to all interested parties, on January 18, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Said hearing was vacated, however, at the request of counsel for Applicant, and the matter was reset for hearing, after due notice to all interested parties and was heard March 1, 1955, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. At the conclusion of the hearing, the Commission took the matter under

advisement. No one appeared at the hearing in opposition to the authority sought to be granted by the instant application.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged in the distribution and sale of natural gas at retail to domestic, commercial and industrial consumers in the City of Pueblo, Colorado, and in the areas adjacent thereto. A certified copy of Applicant's Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

Testimony presented by Applicant at the hearing disclosed that Applicant proposes to construct and operate a natural gas distribution system in the unincorporated community of Vineland, Pueblo County, Colorado, and to engage in the business of distributing and selling natural gas at retail to domestic, commercial and industrial consumers in said community and in the areas adjacent thereto, and along the route of the proposed distribution main to be constructed by Applicant from a metering point to be located on the existing high-pressure transmission main of Colorado Interstate Gas Company approximately one and one-half miles due East of the community of Vineland to said community, all as more particularly shown on a map introduced by Applicant, marked "Exhibit A," incorporated herein by reference.

Applicant proposes to obtain natural gas to make service available in the areas above-mentioned from the Colorado Interstate Gas Company, which company presently supplies natural gas to Applicant for distribution and sale in the City of Pueblo and the areas adjacent thereto. Exhibit C introduced at the hearing is a letter dated November 26, 1954, in which the Colorado Interstate Gas Company indicates its willingness to apply to the Federal Power Commission for authority to install the necessary metering connections to enable it to sell gas to the Applicant for the proposed new service upon Applicant receiving from this Commission the certificate as herein requested. Exhibit B introduced at the hearing is a map showing

the location of said community of Vineland with respect to areas now served by Applicant and showing in addition the facilities proposed to be constructed by applicant to render natural gas service to said community and in the area adjacent thereto. Said Exhibit B is made a part hereof by reference.

Applicant presently serves natural gas within approximately two miles of the community of Vineland. In addition, Applicant, by Decision No. 43311, dated September 23, 1954, in Application No. 13021, was granted a certificate of public convenience and necessity to distribute and sell natural gas within the Pueblo Ordnance Depot, which is located approximately four miles from the community of Vineland. There is no other public utility company engaged in rendering natural gas service in the area for which authority is applied for by the instant application.

Further testimony presented by Applicant disclosed that the population of the community of Vineland is estimated to be between 175 and 200. Applicant stated that it expects to serve 55 domestic and commercial customers and 1 interruptible consumer, a Pueblo County High School, by the end of the first year. Applicant stated that several residential housing developments are under consideration immediately adjacent to this community and Applicant proposes to extend its service to these developments in the area as the demands for its service may be required.

Applicant proposes to extend its natural gas facilities to serve customers located elsewhere than on the proposed initial gas distribution system under the provisions of Applicant's Service Connection and Main Extension Policy as presently on file with this Commission, or as the same may be altered or amended and filed. Service to the area involved in the instant application will be supplied at Applicant's rates for natural gas service effective in the City of Pueblo and the area adjacent thereto as presently on file with this Commission as a part of Applicant's Tariff Colo. P. U. C. No. 5. Applicant proposes to odorize all natural gas

to be supplied by means of an odorizing unit located adjacent to the Colorado Interstate Gas Company metering point.

Applicant estimated that its capital investment to be made to render service to the community of Vineland and the area contiguous thereto will be approximately \$30,000.00. The figure of \$30,000.00 will be used as the basis for a charge for the issuance of the certificate sought herein but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed the instant application and the evidence presented by Applicant in support thereof. The Commission is of the opinion that the authority herein sought should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, The Pueblo Gas and Fuel Company, and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That the public convenience and necessity require, and will require, the purchase, distribution, and sale of natural gas by The Pueblo Gas and Fuel Company in the unincorporated community of Vineland, Pueblo County, Colorado, and in the areas adjacent thereto and along the route of the distribution main to be constructed by it to render such service.

That the certificate of public convenience and necessity herein granted to The Pueblo Gas and Fuel Company should be conditioned upon the issuance by the Federal Power Commission of authority to the Colorado Interstate Gas Company to install the necessary metering connections to enable it to sell natural gas to The Pueblo Gas and Fuel Company for the proposed new service.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require, and will require, the purchase, distribution and sale of natural gas by The Pueblo Gas and Fuel Company in the unincorporated community of Vineland, Pueblo County, Colorado, to the areas adjacent thereto and along the route of the distribution main to be constructed by it to render such service, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That this Order shall be conditioned upon the issuance by the Federal Power Commission of authority to Colorado Interstate Gas Company to install the necessary metering connections to enable it to sell natural gas to The Pueblo Gas and Fuel Company for the service authorized herein.

That The Pueblo Gas and Fuel Company shall commence construction of the necessary facilities to render natural gas service to the area hereinabove described within six months from the date of the issuance by the Federal Power Commission of said authority to Colorado Interstate Gas Company, and shall complete such construction of said facilities within one year's time after the commencement of said construction, or the certificate of public convenience and necessity herein granted shall become null and void.

That The Pueblo Gas and Fuel Company shall promptly advise the Commission, in writing, of the date of commencement of construction and the date of completion thereof.

That The Pueblo Gas and Fuel Company shall install, operate, and maintain its natural gas system and supply service in the areas heretofore designated in accordance with its schedules of natural gas rates, classifications, rules and regulations now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

That The Pueblo Gas and Fuel Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the

testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph T. Kearley
Ralph C. Johnson
John A. Thompson
Commissioners.

Dated at Denver, Colorado,
this 14th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. WEST, INDIAN HILLS,)
COLORADO.)

PERMIT NO. B-3377

March 16, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-3377 be suspended for six months from March 10, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That C. C. West be, and he is hereby, authorized to suspend his operations under Permit No. B-3377 until September 10, 1955.

That unless said permittee 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 16th day of March, 1955.

br

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE GREYHOUND CORPORATION, FOR THE)
ABANDONMENT OF SERVICE ALONG OLD)
BRIGHTON ROAD AND FOR AUTHORITY TO)
OPERATE ON RE-LOCATED U. S. HIGHWAY)
85 BETWEEN EAST 46TH AVENUE AND)
BRIGHTON BOULEVARD AND EAST 72ND)
AVENUE AND SAID HIGHWAY 85.)
-----)

APPLICATION NO. 13221

March 15, 1955

Appearances: Knowles and Shaw, Esqs.,
Denver, Colorado, by
Edward G. Knowles and
Clayton D. Knowles, Esqs.,
for applicant.

S T A T E M E N T

By the Commission:

The Greyhound Corporation, Denver, Colorado, is the owner and holder of PUC No. 394 and PUC No. 394-I, by authority granted by this Commission, authorizing it to operate as a common carrier by motor vehicle for hire:

- (a) For the transportation of passengers, baggage, express, mail and newspapers, in interstate and intrastate commerce, between Denver, Colorado, and the Colorado-Kansas State Line and intermediate points on U. S. Highway No. 40;
- (b) For the transportation of passengers, baggage, express, mail, and newspapers, in interstate commerce only, between Denver, Colorado, and the Colorado-Wyoming State Line on U. S. Highway No. 85;
- (c) For the transportation of passengers, baggage, express, mail and newspapers, in interstate and intrastate commerce, between Greeley, Colorado, and the Colorado-Wyoming State Line, on U. S. Highway No. 85;
- (d) For the transportation by charter coach from and to all points within the State of Colorado in accordance with Decision No. 4320, of date May 20, 1932, or decisions amendatory of or supplementary thereto.

Reference is also made to:

Decision No. 40616 transfers the following from PUC-5:

(1) Transportation of passengers, parcels and small packages between Denver and Greeley, Colorado, passing through Henderson, Brighton, Fort Lupton, Platteville and all other intermediate points,

and the following from PUC-55:

(2) Transportation of passengers, baggage, express, mail and newspapers between Fort Lupton, Conoco, Firestone and Frederick, Colorado, and intermediate points, via State Highway No. 52 to Dacono, thence via unnumbered road from Dacono north to Firestone and Frederick.

By the instant application, The Greyhound Corporation seeks authority to abandon the use of old Brighton Boulevard between East 46th Avenue and Brighton Boulevard and East 72nd Avenue, where old Brighton Boulevard merges with U. S. Highway 85. The aforesaid applicant, the Greyhound Corporation at the same time and by this application seeks authority to operate on, in lieu of the sought to be abandoned section of the old Brighton Boulevard, the re-routed U. S. Highway No. 85 between East 46th Avenue and Brighton Boulevard and Brighton Boulevard along Vasquez Boulevard to the limits of the City and County of Denver, Colorado.

It appears from the application that under and by virtue of the certificate of public convenience and necessity issued to it by the Commission, applicant operates service between Denver and Brighton, Colorado, and points north thereof, and in leaving the city of Denver, its present route is along what is now the old Brighton Road and not the new U. S. Highway 85. Said U. S. Highway 85 has been re-routed from East 46th Avenue and Brighton Boulevard along Vasquez Boulevard to the limits of the City and County of Denver.

There is attached to the application, and marked "Exhibit 1," a drawing labeled "Proposed Route Change for Overland Greyhound Local Denver-Greeley and Denver-Firestone Bus Schedules Between Denver and Adams City" which shows the proposed route change and the proposed abandonment of route.

Exhibits 3, 4, 5, and 6 were considered by the Commission and they disclosed the number and originating point of passengers destined to Conoco and to Model and also the number and destination of passengers originating at Conoco and at Model during the period November 2, 1954, through February 19, 1955.

The Commission was advised that the old route proposed to be abandoned was rough, inconvenient, dangerous, and that patrons had complained about use of the old route and had requested a change of route to the proposed new route.

Due notice was given to all interested parties, and a hearing before the Public Utilities Commission of the State of Colorado, was held on March 1, 1955, at ten o'clock A. M., in Room 330, State Office Building, Denver, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed route abandonment and authority to use the proposed new route is compatible with the public interest, and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That The Greyhound Corporation, Denver, Colorado, should be, and it is hereby, authorized to abandon the use of old Brighton Boulevard between East 46th Avenue and Brighton Boulevard and East 72nd Avenue, where old Brighton Boulevard merges with U. S. Highway 85.

That The Greyhound Corporation, Denver, Colorado, should be, and it is hereby, authorized to operate on Relocated U. S. Highway 85 between East 46th Avenue and Brighton Boulevard and East 72nd Avenue and said Highway 85 along Vasquez Boulevard to the limits of the City and County of Denver, Colorado.

This order shall become effective immediately or as reasonably soon thereafter as The Greyhound Corporation can put it

into effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. Newberry
Ralph C. Hahn
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 15th day of March, 1955.

ea

original

(Decision No. 44063)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) WILLIAM HARKALIS, LYONS, COLORADO,) FOR AUTHORITY TO EXTEND OPERATIONS) UNDER PERMIT NO. B-4140.)	APPLICATION NO. 13039-PP-Extension

March 15, 1955

Appearances: Shirley Harkalis, Lyons,
Colorado, for applicant;
Ivan Miller, Greeley, Colo-
rado, for Miller Truck Line;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
Marion F. Jones, Esq., Denver,
Colorado, and
Alvin J. Meiklejohn, Esq.,
Denver, Colorado, for
Sorenson Truck Service.

S T A T E M E N T

By the Commission:

By Decision No. 34190, of date February 3, 1950, William Harkalis, Lyons, Colorado, was granted Permit No. B-4140, with authority to operate as a private carrier by motor vehicle for hire, for the transportation of:

sand and gravel from pits located three miles west of Loveland, Colorado, to a tunnel job, located about nine miles west of Loveland, Colorado; rock, dirt, steel, lumber, and pipe used on the job referred to between points within a radius of three miles of said tunnel job above referred to.

By Decision No. 37092, of date July 18, 1951, said permittee was authorized to extend operations under Permit No. B-4140 to include the right to transport:

sand, gravel, and other road-surfacing materials from pits and supply points in the State of Colorado to road and building construction jobs located within a fifty-mile radius of said pits and supply points; excluding service in Clear Creek, Gilpin, and Boulder Counties, except hauling may be done in Boulder County for the Boulder Toll Road, only; coal from the northern Colorado coal fields to Denver, Colorado; to Valmont Plant of Public Service Company located near Boulder; to the Kuner-Empson Plants, and

to Great Western Sugar Company Plants, located within a fifty-mile radius of Denver; cement from La Porte, Colorado, to points located within a twenty-five-mile radius of Loveland, Colorado.

By the instant application, William Harkalis seeks authority to further extend operations under Permit No. B-4140 to include the right to transport: building stone, flagstone, hay, and lumber and cinder blocks, between points within a radius of fifty miles of Lyons, and from and to points in said area, to and from other points in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room, Boulder, Colorado, September 14, 1954, and at the conclusion of the evidence, the matter was taken under advisement.

Decision in said matter has been delayed by reason of other important matters pending before the Commission, the applicant having performed the service requested under temporary authority during that period.

Shirley Harkalis, wife of applicant, appeared to testify in support of the application. She stated that the tunnel job referred to in the original authority was completed some two and one-half years ago. Since that time, there has been no hauling done under the original authority, but applicant has been hauling building stone and flagstone from the quarries near Lyons, to Denver, Loveland, and other points, under a Commercial Carrier Permit. He has been requested to deliver building stone from the two quarries of Brodie St. Vrain Stone Quarries, one mile north of Lyons, and seven miles north of Lyons, respectively, and from the Sommers Quarry, one-half mile north of Lyons, and from the two quarries of Jacobs and Evans, north of Lyons, the deliveries to be made to different points in the state. He has also had requests for transportation of flagstone from some of the same quarries; also, requests have been received for delivery of hay from farm to market, from various farmers, and from farms to a livery stable in Estes Park, to one Everett May of Estes Park, and to a Mr. Rebel, a Boulder dairyman. Applicant has

been requested to haul lumber from the sawmill of B. A. Neptune, between Loveland and Fort Collins, to Denver, and cinder blocks from the Hygiene Cinder Block Company and the Longmont Silo and Block Company, both of Longmont.

Applicant's equipment consists of one 1949 G. M. C. Diesel Truck, with a 1953 American Semi-Trailer, a 1948 one and one-half-ton International Truck with flat bed, and a 1941 home-made trailer. His net worth is between \$16,000 and \$20,000.

Kenneth Brodie, operator of Brodie St. Vrain Stone Quarries, appeared in support of the application. These quarries are suitable on two separate tracts -- one of 160 acres one mile north of Lyons, and the other of 90 acres, seven miles north of Lyons. He wishes the service of applicant for the delivery of building stone and flagstone produced at said quarries, to any point in the state. These products have been hauled by applicant under his Commercial Carrier Permit and under temporary authority from the Commission. The common carriers are not interested in this operation, and will not come to the quarries when requested.

In protest, Ivan Miller, a partner in the Miller Truck Line (PUC Nos. 1321 and 1251), objected to the grant of any authority to applicant to transport stone from the Lyons area to Estes Park. For the past six months he has hauled stone daily from Lyons to Denver, three or four tons in the aggregate. He has had no requests for hauling hay, cinder blocks, or lumber. He hauls stone from Lyons distributors, but has no authority to pick it up at the quarries.

Chris Sorenson, owner and operator of PUC Nos. 489 and 337, testified that he objected only to applicant's proposed transportation of cinder blocks from Longmont Silo and Block Company, which he claims he now adequately serves.

Vane Golden, of Golden Transfer and Taxi Company, Longmont, Colorado, testified that he has been giving satisfactory service to Longmont Silo and Brick Company for several years, and the company is also satisfactorily served by Sorenson and McKie; that there is no need for another carrier to serve that company.

It will be noted that there was no protest to grant of authority to applicant for the transportation of hay and lumber, as requested. The only protest to the proposed transportation of building stone and flagstone was by Miller, who protested only the proposed transportation between the Lyons area and Estes Park, but offered no evidence that he was performing this service, and the only protest as to the transportation of cinder blocks comes from Sorenson and Golden, who are interested only in the business of Longmont Silo and Brick Company, which they claim they handle satisfactorily. There is no evidence that they haul cinder blocks for any other customer in the area involved, or that their service to the public will be impaired by the granting of the application as to other commodities. Their service to the one customer will be protected by our Order.

F I N D I N G S

THE COMMISSION FINDS:

That application should be granted, as limited in the Order following.

O R D E R

THE COMMISSION ORDERS:

That William Harkalis, Lyons, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4140 to include the right to transport building stone, flagstone, hay and lumber and cinder blocks, between points within a radius of fifty miles of Lyons, Colorado, and from and to points in said area, to and from other points in the State of Colorado, excepting, however, the right to transport cinder blocks for Longmont Silo and Block Company, 131 Third Avenue, Longmont, Colorado.

That this Order is made part of the permit granted to

applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. Newley
Ralph C. Hobart
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 15th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. ALLEN CLARK AND ARCHIE C. WOOL-)
SEY, CO-PARTNERS, DOING BUSINESS AS)
"CLARK & WOOLSEY," 30TH AND BASE) APPLICATION NO. 12899-PP-Extension
LINE, BOULDER, COLORADO, FOR AUTH-)
ORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-4625.)
- - - - -)

- - - - -
March 15, 1955
- - - - -

Appearances: W. Allen Clark, Boulder,
Colorado, pro se;
Archie C. Woolsey, Boulder,
Colorado, pro se;
Reynolds and Brotzman, Esqs.,
Boulder, Colorado, for
Pherson Trucking Company.

S T A T E M E N T

By the Commission:

By Decision No. 40444, of date May 8, 1953, W. Allen Clark
and Archie C. Woolsey, doing business as "Clark and Woolsey, Boulder,
Colorado, were authorized to operate as a Class "B" private carrier
by motor vehicle for hire, for the transportation of:

sand, gravel and road-surfacing materials,
from the gravel pits located within 20 miles
of Boulder, Colorado, to premix plants in
Boulder, Colorado, such service to be limited
to Harry S. Coulson, doing business as "Premix
Concrete Company," only.

"Private Carrier Permit No. B-4625" was assigned to the
operation.

By Decision No. 41698, of date December 14, 1953, said
permit was extended to include the right to transport:

sand, gravel, and other road-surfacing materials
used in the construction of roads and highways,
from pits and supply points in the State of Colo-
rado, to road jobs within a radius of fifty miles
of said pits and supply points, and for the trans-
portation of sand, gravel, dirt, stone and refuse,
from and to building construction jobs, to and
from points within a radius of fifty miles of said
jobs, excluding service in Boulder, Clear Creek,
and Gilpin Counties.

In said Decision No. 41698, authority was also granted to substitute the Milne Ready Mix Concrete, Inc., in lieu of Harry S. Coulson, doing business as "Premix Concrete Company," as the customer to be served under Decision No. 40444.

By the instant application, W. Allen Clark and Archie C. Woolsey, co-partners, doing business as "Clark and Woolsey," 30th and Base Line, Boulder, Colorado, seek an extension of said Permit No. B-4625, to include:

Transportation of sand, gravel, dirt, stone, and other road-surfacing materials, from pits and supply points located within a twenty-mile radius of Boulder, Colorado, to points within said area.

The above matter, after a continuance, was finally set for hearing before the Commission on March 9, 1955, in the County Court Room, in Boulder, Colorado, and at the conclusion of the evidence, was taken under advisement.

At the hearing, applicants and protestant, the Pherson Trucking Company, stipulated that if said extension is confined to service for the C. & M. Ready Mix Concrete Company and C. & M. Sand and Gravel Company, protestants would have no objection to the granting of the extension. Applicants agreed that this authority would take care of their needs.

It appears that applicants are presently operating under a permit issued by this Commission, have insurance, and description of equipment is on file; that they desire to haul sand and gravel for the C. & M. Ready Mix Concrete Company and the C. & M. Sand and Gravel Company, and will not haul for any other customers.

We cannot see from the evidence before us where the granting of this permit would impair presently-authorized common carrier service operating in Boulder County, and the granting of this extension, in our judgment, would be in the public interest.

An examination of the authority granted under Permit No. B-4625 indicates that applicants already have authority to serve Milne Ready

Mix Concrete, Inc., of Boulder, Colorado, and it is not the intention of this order to eliminate that authority.

F I N D I N G S

THE COMMISSION FINDS:

That applicants should be permitted to extend their operations under Permit No. B-4625, as hereinafter set forth in the Order.

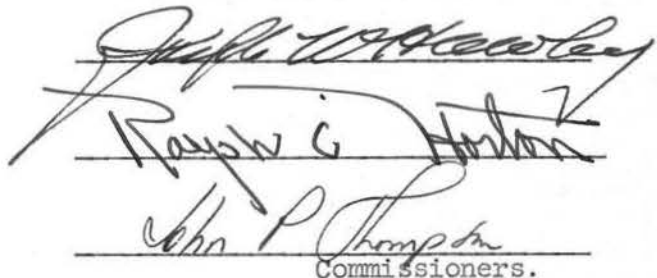
O R D E R

THE COMMISSION ORDERS:

That W. Allen Clark and Archie C. Woolsey, co-partners, doing business as "Clark & Woolsey," 30th and Base Line, Boulder, Colorado, be, and they hereby are, authorized to extend their operations under Permit No. B-4625 to include the transportation of sand, gravel, dirt, stone, and other road-surfacing materials from pits and supply points located within a radius of 20 miles of Boulder, Colorado, to points within said area, for the following customers only, viz.: the C. & M. Ready Mix Concrete Company and the C. & M. Sand and Gravel Company, both located in Boulder, Colorado, and applicant will not be permitted to serve new customers unless expressly authorized by the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 15th day of March, 1955.

ea

original

(Decision No. 44065)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SIDNEY W. JOHNSON, DOING BUSINESS)
AS "SOUTHWESTERN FILM SERVICE,")
2118 STOUT STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 13271

RE MOTOR VEHICLE OPERATIONS OF)
SIDNEY W. JOHNSON, DOING BUSINESS)
AS "SOUTHWESTERN FILM SERVICE,")
2118 STOUT STREET, DENVER, COLORADO.)

PERMIT NO. A-3970

March 15, 1955

Appearances: Henry S. Sherman, Esq., Denver,
Colorado, for applicant;
A. L. Mueller, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, Sidney W. Johnson, doing business as "Southwestern Film Service," Denver, Colorado, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of motion picture film, radio and television recordings and film, together with advertising relating thereto, and newspapers:

Between Denver, Colorado and the Colorado-New Mexico State Line, over U. S. Highway No. 285, and over any more direct and additional routes between said points as may be established, serving all intermediate points, and the off-route points of Buena Vista, Salida, Center and San Luis, Colorado;

Between Monte Vista, Colorado, and Cortez, Colorado, over U. S. Highway 160, and over any more direct and additional routes between said points as may be established, serving all intermediate points, and the off-route point of Ignacio, Colorado;

Between Cortez, Colorado, and the Colorado-New Mexico State Line over U. S. Highway No. 666, and over any more direct and additional routes between said points as may be established;

Between Durango, Colorado, and the Colorado-New Mexico State Line over U. S. Highway No. 550, and over any more direct and additional routes between said points as may be established.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 4, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Richard W. Wadley testified that he is a partner of Sidney W. Johnson in the operations of Southwestern Film Service, and they have been operating under Private Carrier Permit No. A-3970, which authorizes transportation of:

"Motion picture film, radio and television recordings and film, and advertising relating thereto, for all customers of applicant, between and serving only the following named cities and towns of Colorado: Denver, Alamosa, Monte Vista, Center, Del Norte, La Jara, Manassa, Antonito, and San Luis, over U. S. Highway 285, U. S. Highway 85, U. S. Highway 160, Colorado Highway 112, Colorado Highway 159, and over any more direct and additional routes between said points as may be established."

Under date of July 8, 1953, under No. MC 112593 Sub. 2 (Exhibit "A"), the Interstate Commerce Commission granted to applicant a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, over regular and irregular routes, in interstate or foreign commerce, for the transportation of:

"Motion picture, still picture, radio, and television sound producing recordings and films, reproducing and amplifying devices, vending machines, supplies, accessories, and materials used in connection with the operation of theaters and at other similar places of exhibition, except television sets; and empty containers, and/or other such incidental facilities used in transporting said commodities:

"Between Monte Vista, Colo. and Buena Vista, Colo. and the intermediate points of Saguache, Colo., and the off-route point of Salida, Colo.:

"From Monte Vista over U. S. Highway 285 to Junction U. S. Highway 24, thence over U. S. Highway 24 to Buena Vista, and return over the same route.

"Between Denver, Colorado, on the one hand, and, on the other, points in New Mexico:

"From Denver over U. S. Highway 85 to the Colorado-New Mexico State Line, thence over irregular routes to points in New Mexico, and return over irregular routes to the Colorado-New Mexico State Line, thence over the specified regular route to Denver.

"RESTRICTION: Service over the above specified routes is restricted to the transportation of shipments originating at or destined to Denver, Colo."

Under date of July 8, 1953, under MC 112593 Sub. 6 TA, the Interstate Commerce Commission granted applicant temporary authority for 180 days to operate as a common carrier by motor vehicle in interstate commerce, for the transportation of:

"Motion picture, still picture, radio, and television sound producing recordings and film, reproducing and amplifying devices, vending machines, supplies, accessories, and materials used in connection with the operation of theaters and at other similar places of exhibition, except television sets; and empty containers and/or other such incidental facilities used in transporting said commodities, and newspapers, over a regular route as follows:

"From Denver, Colo., to Shiprock, N. Mex., serving the intermediate points between the Colorado-New Mexico State Line and Shiprock, including Shiprock:

"From Denver over U. S. Highway 285 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction with U. S. Highway 550 at Durango, Colo., and thence over U. S. Highway 550 to Shiprock."

Applicant has every reason to anticipate that the temporary authority above referred to will be made permanent. Applicant now operates in intrastate commerce under Private Carrier Permit No. A-3970, and, in effect, wishes this authority to be converted into a common carrier certificate, so that his service -- both intrastate and interstate -- will be consistent. In the event the instant application is approved, he is agreeable to the cancellation of his private carrier authority under said Permit No. A-3970.

Applicant's net worth is \$50,000.00. His list of equipment

is on file with the Commission. As all his interstate service is performed under common carrier authority, and his intrastate service under a private carrier permit, he is confronted with a problem under Rule 8 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, effective January 1, 1951, which provides:

"Common carriers who also hold a private carrier permit from this Commission shall not transport freight under more than one of such authorities on the same vehicle or combination of vehicles at the same time."

He testified that the granting of the instant application will be in the public interest, under the circumstances, as no contracts with customers will be required, the use of less trucks will be possible, and better service can be offered to shippers. He will be able to operate over his route five days per week, instead of three, as at present. When new theaters are opened in his territory, they can be served promptly, without negotiation of contracts, which are not favored by his customers.

Claude M. Newell, employed by the Metro-Goldwyn-Mayer Distributing Corporation at Denver, as chief booker, appeared in support of the application. It is one of his duties to allocate the films to the theaters and set up the shipping time. Nationally, there is a shortage of prints. Good service to the theaters requires deliveries five days per week. His firm serves practically all of the theaters in the area in which applicant operates under his permit and seeks to operate under a certificate. Fast, reliable service is vital, and common carrier authority would be advantageous to applicant, and particularly to his customers, from a service and rate standpoint.

Francis Feltz, Denver Manager of a shipping and inspection bureau, represents National Film Service and other film exchanges, and selects transportation services to be used. The distribution of the films also involves the distribution of advertising materials. He testified that the granting of the instant application would be advantageous to his clients.

The application was also supported by Clarence Batter, operator of the Batter Booking Service of Denver, booking films to the theaters at Salida and Durango, and by David E. Davis, Vice-President and General Manager of Atlas Theater Corporation, booking films for Salida and Monte Vista.

Mr. H. E. Corbin, Traffic Manager of The Denver Post, also testified to the effect that he selects transportation agencies for the distribution of The Post and uses those that give the best service, such as the Clark Truck Line into the San Luis Valley, Rio Grande Motor Way, Inc., and Watson Brothers to points west of Denver, and Unites States Mails. However, he cannot give the people the service they deserve by the present carriers. He cited Farmington, New Mexico, as one point where the Post is not delivered, at times, until twenty-four hours after publication, and this is one point that will be served by applicant. To handle the weight required to obtain favorable rates, he must have a carrier that can serve all intermediate points on a long route. Service to New Mexico points would be more satisfactory if applicant has common carrier authority, both interstate and intrastate.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed motor vehicle common carrier transportation service of applicant herein, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

That, upon issuance of common carrier operating rights herein-after granted, Private Carrier Permit No. A-3970 should be cancelled and revoked.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Sidney W. Johnson, doing business as "Southwestern Film Service," Denver, Colorado, for the transportation of motion picture film, radio and television recordings and film, together with advertising relating thereto, and newspapers:

Between Denver, Colorado and the Colorado-New Mexico State Line, over U. S. Highway No. 285, and over any more direct and additional routes between said points as may be established, serving all intermediate points, and the off-route points of Buena Vista, Salida, Center, and San Luis, Colorado;

Between Monte Vista, Colorado, and Cortez, Colorado, over U. S. Highway 160, and over any more direct and additional routes between said points as may be established, serving all intermediate points, and the off-route point of Ignacio, Colorado;

Between Cortez, Colorado, and the Colorado-New Mexico State Line over U. S. Highway No. 666, and over any more direct and additional routes between said points as may be established;

Between Durango, Colorado, and the Colorado-New Mexico State Line over U. S. Highway No. 550, and over any more direct and additional routes between said points as may be established,

and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

That 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 upon issuance of certificate herein granted, Permit No. A-3970, now and formerly held and operated by applicant herein, shall be cancelled and revoked.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. MacFarley
Ralph C. Hoken
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 15th day of March, 1955.

mls

original

(Decision No. 44066)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
EUGENE U. WILLIAMS, FOUNTAIN, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO)
WILLIAM A. RAGAINS, DOING BUSINESS)
AS "BILL'S TRUCK SERVICE," 212 WEST)
BROOKSIDE STREET, COLORADO SPRINGS,)
COLORADO.)

PERMIT NO. B-1894-I-Transfer

March 15, 1955

S T A T E M E N T

By the Commission:

Heretofore, Eugene U. Williams, Fountain, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle for hire, in interstate commerce, and Permit No. B-1894-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to William A. Ragains, doing business as "Bill's Truck Service," Colorado Springs, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

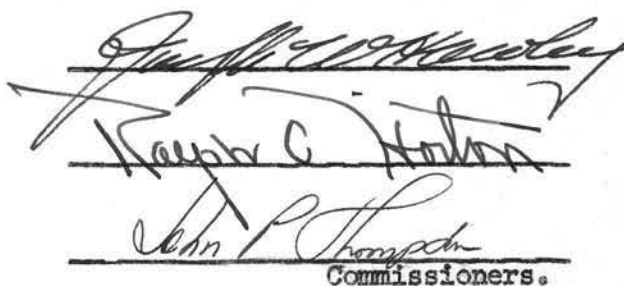
THE COMMISSION ORDERS:

That Eugene U. Williams, Fountain, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1894-I to William A. Ragains, doing business as "Bill's Truck Service," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be,

whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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 15th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EUGENE U. WILLIAMS, FOUNTAIN,
COLORADO, FOR AUTHORITY TO TRANSFER
PUC NO. 2057-I TO EMERSON FINCH,
ROBERT FINCH, AND JOHN SWARM, CO-
PARTNERS, DOING BUSINESS AS "F.S.F.
TRUCK LINE," ROUTE 2, COLORADO
SPRINGS, COLORADO.

PUC NO. 2057-I-Transfer

March 15, 1955

S T A T E M E N T

By the Commission:

Heretofore, Eugene U. Williams, Fountain, Colorado, 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. 2057-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Emerson Finch, Robert Finch, and John Swarm, co-partners, doing business as "F. S. F. Truck Line," Colorado Springs, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

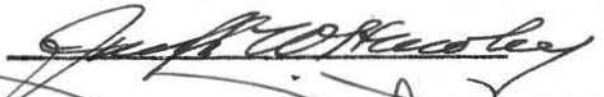
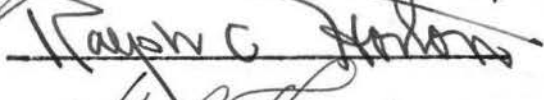
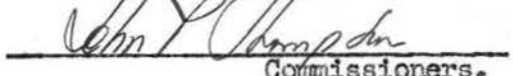
THE COMMISSION ORDERS:

That Eugene U. Williams, Fountain, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2057-I to Emerson Finch, Robert Finch, and John Swarm, co-partners, doing business as "F. S. F. Truck Line," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said opera-

tion, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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 15th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
VICTOR MONTOYA, DOING BUSINESS AS)	
"VIC MONTOYA TRUCKER," ERIE, COLO-)	APPLICATION NO. 13287-PP-Extension
RADO, FOR AUTHORITY TO EXTEND)	
OPERATIONS UNDER PERMIT NO. B-3806.)	
-----)	

March 15, 1955

Appearances: Victor S. Montoya, Erie,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Victor S. Montoya, the applicant herein, is the owner of Private Carrier Permit No. B-3806 which authorizes the transportation of coal from mines in the northern Colorado coal fields to Erie, Colorado. On February 7, 1955, applicant filed his application for an extension of said permit to include the right to transport ashes and trash in Erie, Colorado, and within a radius of five miles thereof.

The matter was regularly set for hearing at the County Court Room, in Boulder, Colorado, on March 9, 1955, and at the conclusion of the evidence, was taken under advisement.

no one appeared at the hearing to protest the granting of the extension, and applicant testified that he had numerous calls from the residents of Erie to render this service.

It appears that applicant is presently engaged in the business of hauling coal from Colorado coal mines to Erie; that said operation is seasonal and that during many periods of the year, applicant's equipment is idle, and as a result, he has numerous requests to haul trash and ashes for residents of Erie.

As no one appeared to protest, and the service asked to be performed by applicant is a necessary service in the community, the Commission can see no reason why the extension should not be granted, nor is it our opinion that any common carrier service would be impaired.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted for the reasons heretofore set forth in our Statement which, by reference, is made a part of these Findings.

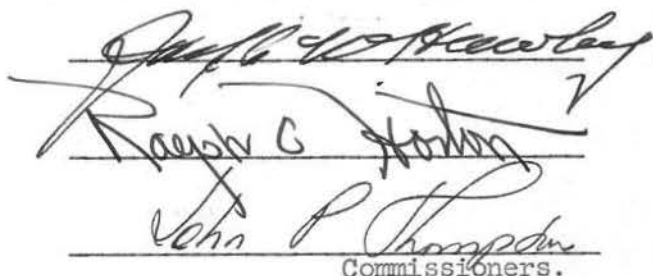
O R D E R

THE COMMISSION ORDERS:

That Victor S. Montoya, doing business as "Vic Montoya Trucker," Erie, Colorado, be, and he hereby is, authorized to extend his authority under Private Carrier Permit No. B-3806 to include the right to transport ashes and trash in Erie, Colorado, and within a radius of five miles of Erie, Colorado.

That this order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 15th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OTTO BURGER AND URBAN MELLECKER, CO-)
PARTNERS, DOING BUSINESS AS "BURGER'S)
EXPRESS COMPANY," 1825 FOURTEENTH)
STREET, BOULDER, COLORADO, FOR AUTH-) APPLICATION NO. 13285-PP-Transfer
ORITY TO TRANSFER PERMIT NO. B-532)
TO MALCOLM E. CASSIDY, DOING BUSINESS)
AS "BURGER'S EXPRESS COMPANY," 1825)
FOURTEENTH STREET, BOULDER, COLORADO.)
-----)

March 15, 1955

Appearances: Malcolm E. Cassidy, Boulder,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 9804, dated April 15, 1937, Otto Burger and Urban Mellecker, doing business as "Burger's Express," were granted authority as follows:

Transportation of commodities for their regular Boulder customers from Boulder to points in the area described as follows:

Commencing at Ault where Highways U. S. 87 and Colorado 14 intersect; thence south along U. S. 87 to Denver; thence west along Colorado 58 to point of intersection with Colorado 119 to Nederland and Colorado 160 to Raymonds; thence east along Colorado 7 and Colorado 66 to junction with U. S. 87; thence north along U. S. 87 to Fort Collins; thence east along Colorado 14 to Ault, the place of beginning.

Transportation of commodities generally consisting of "trade ins," "repossessions," and returned merchandise for customers of their customers from points in said area (except Denver) to Boulder, all freight so transported to originate in or be destined to Boulder, said permittees not to engage in the transportation of freight between towns located on U. S. 85 or 87,

and "Permit No. B-532" issued to them.

By the instant application, said applicants seek authority to transfer said Permit No. B-532 to Malcolm E. Cassidy, doing business as "Burger's Express Company," 1825 Fourteenth Street, Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard in the County Court Room, Boulder, Colorado, on March 9, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

It appears that the consideration for the proposed transfer of permit, including certain equipment, is the sum of Four Thousand Dollars (\$4,000.00). It also appears that there is no outstanding indebtedness against said permit, and transferee's net worth is approximately \$4,000.00.

It is apparent that there were typographical errors in the description regarding the highways set out in the description of the territory that could be served under Permit No. B-532; and that to correct such errors, said description should read as follows:

"Commencing at Ault where Highways U. S. 85 and Colorado 14 intersect; thence south along U. S. Highway 85 to Denver; thence west along Colorado 58 to point of intersection with Colorado 119 to Nederland and Colorado 160 to Raymonds; thence east along Colorado 7 and Colorado 66 to junction with U. S. Highway 87; thence north along U. S. 87 to Fort Collins; thence east along Colorado 14 to Ault, the place of beginning."

The Commission can see no reason why the instant application for transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Otto Burger and Urban Mellecker, co-partners, doing business as "Burger's Express Company," 1825 Fourteenth Street, Boulder, Colorado, should be, and hereby are, authorized to transfer all their right, title and interest in and to Permit No. B-532, being authority as follows:

Transportation of commodities for their regular Boulder customers from Boulder to points in the area described as follows:

Commencing at Ault where Highways U. S. 85 and Colorado 14 intersect; thence south along U S Highway 85 to Denver; thence west along Colorado 58 to point of intersection with Colorado 119 to Nederland and Colorado 160 to Raymonds; thence east along Colorado 7 and Colorado 66 to junction with U. S. Highway 87; thence north along U. S. 87 to Fort Collins; thence east along Colorado 14 to Ault, the place of beginning.

Transportation of commodities generally consisting of "trade ins," "repossessions," and returned merchandise for customers of their customers from points in said area (except Denver) to Boulder, all freight so transported to originate in or be destined to Boulder, said permittees not to engage in the transportation of freight between towns located on U. S. Highways 85 or 87,

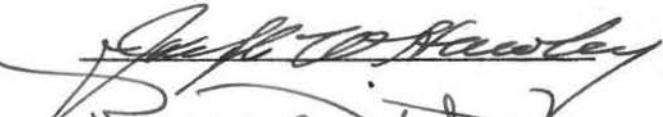
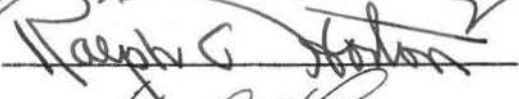
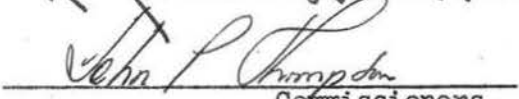
to Malcolm E. Cassidy, doing business as "Burger's Express Company," 1825 Fourteenth Street, Boulder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, by proper application.

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, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 15th day of March, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EDWARD C. MASON AND HENRY C. MARIS,
CO-PARTNERS, DOING BUSINESS AS "OVER-
LAND MOTOR EXPRESS," 949 WALNUT
STREET, BOULDER, COLORADO, FOR
AUTHORITY TO SPLIT AND SELL PUC NO.
2 AS FOLLOWS:

THE CONDUCT THROUGHOUT THE STATE OF
COLORADO OF A HOUSEHOLD GOODS MOTOR
VEHICLE TRANSPORTATION SERVICE, TO
IVAN BAILEY AND BELVA BAILEY, CO-
PARTNERS, DOING BUSINESS AS "BAILEY
STORAGE AND TRANSFER COMPANY," 949
WALNUT STREET, BOULDER, COLORADO, AND

TRANSPORTATION OF FREIGHT BETWEEN
BOULDER AND DENVER AND INTERMEDIATE
POINTS AND POINTS WITHIN A RADIUS OF
FIVE MILES OF BOULDER (WITH CERTAIN
EXCEPTIONS), TO OVERLAND MOTOR
EXPRESS, INC., A COLORADO CORPORATION,
949 WALNUT STREET, BOULDER, COLORADO.

APPLICATION NO. 13284-Transfer

March 15, 1955

Appearances: Stockton, Linville & Lewis, Esqs.,
Denver, Colorado;
Barry & Hupp, Esqs., Denver,
Colorado, and
Reynolds and Brotzman, Esqs.,
Boulder, Colorado, for
applicants;
Ernest Porter, Denver, Colorado,
for Rio Grande Motorway, Inc.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting,
after appropriate notice to all parties in interest, was heard at the
Court House, Boulder, Colorado, on March 9, 1955, and taken under
advisement.

By this application, authority is sought by Edward C. Mason
and Henry C. Maris, doing business as "Overland Motor Express," Boulder,
Colorado, to split and sell PUC No. 2, the household goods portion of
said certificate to be sold to Ivan Bailey and Belva Bailey, doing

business as "Bailey Storage and Transfer Company," Boulder, Colorado, and the general commodities portion to be sold to Overland Motor Express, Inc., Boulder, Colorado.

PUC No. 2 authorizes the following transportation:

- (1) The conduct throughout the State of Colorado of a household goods motor vehicle transportation service;
- (2) Transportation of freight and express between the cities of Denver and Boulder and intermediate points, and such points within a radius of five miles of Boulder as is authorized by Decision No. 2383 of this Commission.

Transferors and transferees have entered into a Purchase Agreement covering the transaction which was introduced at the hearing as Exhibit No. 1. Under the terms of the agreement, the purchase price to be paid by the Baileys for the household goods portion of the authority is \$6,195.00. In addition, the Baileys are purchasing a 1946 Ford Van Truck for \$740.00.

Overland Motor Express, Inc., is purchasing the general commodities portion of the certificate for a price of \$3,466.00, and eight vehicles for a total purchase price of \$5,480.00.

In addition, the parties are splitting and selling similar interstate authority, the household goods portion going to the Baileys and the general commodities authority to go to Overland Motor Express, Inc.

At the hearing, Mr. Maris, one of the transferors, testified that he had been working with Mr. Mason, his partner, for some ten years in the conduct of the business and that due to Mr. Mason's advanced age and other circumstances, it had become necessary to sell the business. He stated that Mr. Mason had originally procured this certificate from this Commission and had operated under it for many years.

Witness Rizer testified that as of March 1, 1955, the accounts receivable of the transferors amounted to \$2,240.00, and their debts amounted to \$20,267.31. He stated that the total purchase price for all of the certificates and equipment, together with the accounts receivable, would be sufficient to pay all of the creditors of the transferors. Under the terms of the purchase contract, all of

the purchase price will be paid to one James M. Berger, of Boulder, Colorado, as Escrow Agent, and Berger is bound under the Contract to pay all creditors of transferor in cooperation with the staff of the Commission. The contract is a whole contract which means that both the ICC and PUC certificates have to be split and sold in accordance with its terms or none of it is operative.

At the hearing, a telegram addressed to Barry and Hupp from W. Y. Blanning, Director of the Bureau of Motor Carriers of the Interstate Commerce Commission, was introduced as an exhibit, which telegram stated that the Interstate Commerce Commission had approved the split and transfer of the interstate authority.

Mr. Ivan Bailey testified that he had worked for the transferors for some six years and had conducted the household goods part of the authority as virtually a separate business from the Denver-Boulder regular run. He stated that in his opinion it was in the public interest to have the authority operated separately since the mechanics of the operations were entirely different. Bailey now has a warehouse in Boulder and is conducting a household goods business in Boulder and is well qualified by experience and background, as well as financial stability, to operate under the household goods portion of the certificate herein sought to be transferred.

Mr. L. C. Austin, who owns the controlling interest in Overland Motor Express, Inc., testified that he had been in the trucking business for some thirty years and was presently operating Boulder-Denver Truck Lines, as well as being a stockholder in Colorado Milk Transport, Inc. A balance sheet of Overland Motor Express, Inc., was introduced at the hearing, showing the deposit on the purchase contract of \$2,000.00 with \$100.00 cash in the bank. Mr. Austin stated that upon approval of the transfer, he and his associates would buy enough stock or loan the corporation sufficient funds to make the purchase and institute and continue operations on the Boulder-Denver general commodity regular run.

He also testified that a splitting of this authority would be in the public interest in view of the fact that Boulder and the towns between Boulder and Denver were growing very rapidly and that there would be sufficient business on household goods and general commodities freight to support the separate operations. He also stated that both from the standpoint of the public and management of the separation of the two types of authorities would make for better service and easier operation. Since the certificate under consideration, including authority for the operation of two separate and distinct operations, i.e. (1) the transportation of household goods throughout the State of Colorado, and (2) the transportation of general freight and express between certain points, and the evidence at the hearing showed that the public will be better served by splitting the certificate, and in view of the fact that all creditors will be paid out of the purchase price, the Commission can see no good reason why the application should not be granted.

No evidence was introduced by Rio Grande Motorway.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed splitting of the certificate of public convenience and necessity No. 2, and the transfer by Edward C. Mason and Henry C. Maris, doing business as "Overland Motor Express," of the household goods portion of that certificate, as hereinafter set out, to Ivan Bailey and Belva Bailey, doing business as "Bailey Storage and Transfer Company," and the transfer of that portion of the certificate, as hereinafter set out, authorizing general commodities between Boulder and Denver to Overland Motor Express, Inc., are compatible with the public interest, and that a certificate of public convenience and necessity should issue separately authorizing said general commodity transportation.

O R D E R

THE COMMISSION ORDERS:

That Edward C. Mason and Henry C. Maris, doing business as "Overland Motor Express," be, and they hereby are authorized to transfer to Ivan Bailey and Belva Bailey, doing business as "Bailey Storage and Transfer Company," that portion of Certificate of Public Convenience

and Necessity No. 2 which will be as follows:

The conduct throughout the State of Colorado of a household goods motor vehicle transportation service, with offices for the solicitation of business restricted to Boulder, Colorado.

That Edward C. Mason and Henry C. Maris, doing business as "Overland Motor Express," be, and they hereby are, authorized to transfer to Overland Motor Express, Inc., that portion of Certificate of Public Convenience and Necessity No. 2, which will be as follows:

Transportation of freight and express, except household goods as defined by the Interstate Commerce Commission in 17MCC467, between the cities of Denver and Boulder and intermediate points and such points within a radius of five miles of Boulder as is authorized in Decision No. 2383 of this Commission, and a new certificate number should be issued therefor.

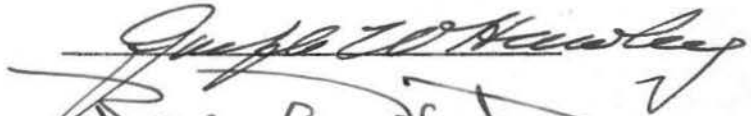
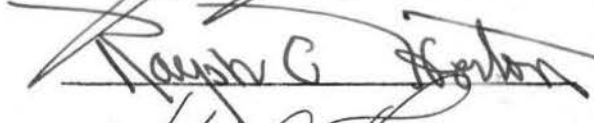

That the said transfers shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that the certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

The rights of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said portion of said certificate, and the payment by them, or transferees, of all unpaid ton-mile tax.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 15th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDMUND & GENE ZANOLINI, 615)
COLORADO AVENUE, TRINIDAD,)
COLORADO.)

PUC NO. 2522-I

March 18, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his Certificate of Public Convenience and Necessity No. 2522-I be suspended for six months from March 15, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

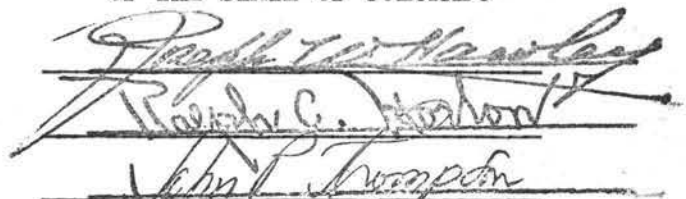
O R D E R

THE COMMISSION ORDERS:

That Edmund & Gene Zanolini, Trinidad, Colorado, be, and they are hereby, authorized to suspend their operations under PUC No. 2522-I until September 15, 1955.

That unless said certificate-holders 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 18th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF }
W. R. HODGES, 746 SUMNER }
STREET, LONGMONT, COLORADO. }

PERMIT NO. B-1909

March 18, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-1909 be suspended for ~~six~~ months from April 17, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

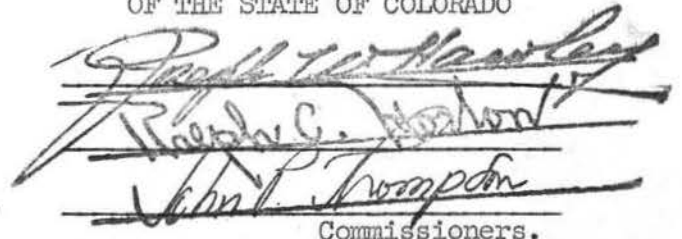
O R D E R

THE COMMISSION ORDERS:

That W. R. Hodges, Longmont, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-1909 until October 17, 1955.

That unless said permit-holder 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 18th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ROY SACK, LONGMONT, COLORADO.

PERMIT NO. B-4725

March 18, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Roy Sack

requesting that Permit No. B-4725 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4725, heretofore issued to _____

Roy Sack

be,

and the same is hereby, declared cancelled effective March 14, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hawley
Richard G. Gordon
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 18th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MON KEM COMPANY, INC.; 601)
NORTH HIGH, JOPLIN, MISSOURI.)

PUC NO. 2895-I

March 18, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mon Kem Company, Inc., Joplin, Missouri, requesting that Certificate of Public Convenience and Necessity No. 2895-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2895-I, heretofore issued to Mon Kem Company, Inc., Joplin, Missouri, be, and the same is hereby, declared cancelled effective March 14, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
WYOMING BUTANE GAS CO. (CORP.)
P. O. BOX 523, BILLINGS,
MONTANA.

PUC NO. 2527-I

March 18, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Wyoming Butane Gas Co. (Corp.), Billings, Montana, requesting that Certificate of Public Convenience and Necessity No. 2527-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2527-I, heretofore issued to Wyoming Butane Gas Co. (Corp.), Billings, Montana, be, and the same is hereby, declared cancelled effective December 15, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]
Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

GRANT H., STANLEY & MARVIN ROWLEY,)
DOING BUSINESS AS "GRANT H. ROWLEY)
& SONS," 5530 WADSWORTH, ARVADA,)
COLORADO.)
-----)

PERMIT NO. B-3802

March 18, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Grant H., Stanley & Marvin Rowley, dba "Grant H. Rowley & Sons"

requesting that Permit No. B-3802 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3802, heretofore issued to _____
Grant H., Stanley & Marvin Rowley, dba "Grant H. Rowley & Sons" _____ be,
and the same is hereby, declared cancelled effective March 2, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Rowley
Ralph G. Rowley
John P. Rowley

Commissioners

Dated at Denver, Colorado,

this 18TH day of March, 1955.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
IVAN AND OSCAR LINSTROM, DOING)
BUSINESS AS "LINSTROM'S RED TIRE)
SHOP," 2641 WEST COLFAX AVENUE,)
DENVER 4, COLORADO.)
-----)

PERMIT NO. B-4272

March 18, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Ivan and Oscar Linstrom, dba "Linstrom's Red Tire Shop"
requesting that Permit No. B-4272 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4272, heretofore issued to _____
Ivan and Oscar Linstrom, dba "Linstrom's Red Tire Shop" be,
and the same is hereby, declared cancelled effective March 4, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 18th day of March, 195 5.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

DONALD HUTTON, STEAMBOAT SPRINGS,
COLORADO.

PERMIT NO. B-2486

March 18, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Donald Hutton

requesting that Permit No. B-2486 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-2486, heretofore issued to _____

Donald Hutton

be,

and the same is hereby, declared cancelled effective March 2, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signatures]
Commissioners

Dated at Denver, Colorado,

this 18th day of March, 195 5.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLAYTON COOPER, 6409 RALSTON,)
ARVADA, COLORADO.)

PERMIT NO. B-3516

March 18, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Clayton Cooper

requesting that Permit No. B-3516 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3516, heretofore issued to _____
Clayton Cooper _____ be.

and the same is hereby, declared cancelled effective March 2, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

James W. Hawley
Robert C. Johnson
John P. Thompson
Commissioners

Dated at Denver, Colorado,
this 18th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMPSON & REIMERS TRUCKING CO.,)
WISNER, NEBRASKA.)

PUC. NO. 2916-I

March 18, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Thompson & Reimers Trucking Co., Wisner, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 2916-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2916-I, heretofore issued to Thompson & Reimers Trucking Co., Wisner, Nebraska, be, and the same is hereby, decalred cancelled effective March 3, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PETE ALSERDA, 16 $\frac{1}{2}$ SOUTH MAIN) PUC NO. 2953-I
STREET, SALT LAKE CITY, UTAH.)

March 18, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Pete Alserda, Salt Lake City, Utah, requesting that Certificate of Public Convenience and Necessity No. 2953-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

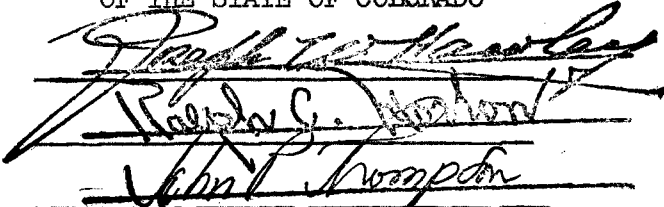
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2953-I, heretofore issued to Pete Alserda, Salt Lake City, Utah, be, and the same is hereby, declared cancelled effective February 5, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
VERNON FURNEY AND MARGARET FURNEY,)	
CO-PARTNERS, 15 EL PASO BOULEVARD,)	
MANITOU SPRINGS, COLORADO, FOR A)	APPLICATION NO. 13290-PP
CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

March 17, 1955

S T A T E M E N T

By the Commission:

Applicants herein seek 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 used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road and highway jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from Florence-Canon City Coal Fields to points within a radius of fifteen miles of Manitou Springs, Colorado.

Said application was regularly set for hearing at the County Court Room, Colorado Springs, Colorado, March 10, 1955, due notice of the time and place being forwarded to all parties in interest.

Notwithstanding said notice, applicants failed to appear, either in person or by counsel at the time and place designated for hearing.

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

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit, and

operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Vernon Furtney and Margaret Furtney, co-partners, Manitou Springs, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; and coal from Florence-Canon City Coal Fields to points within a radius of fifteen miles of Manitou Springs, Colorado.

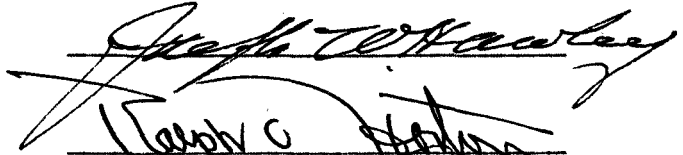
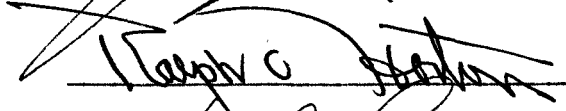

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That 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.

That 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.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL LE ROY BOOKER, 515 $\frac{1}{2}$ WEST)
CHEYENNE ROAD, COLORADO SPRINGS,) APPLICATION NO. 13289
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)
-----)

March 17, 1955

Appearances: Rector and Kane, Esqs.,
Colorado Springs, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

By his application filed November 24, 1955, applicant seeks authority as a call and demand common carrier, to transport refuse from cesspools, grease traps and septic tanks in Colorado Springs, Woodland Park, Fountain, and Matheson, Colorado.

Said application was regularly set for hearing at the County Court Room, Colorado Springs, Colorado, March 10, 1955, due notice of the time and place of hearing being forwarded to all interested parties.

The matter being called up for hearing, applicant requested that the setting be vacated, and that the matter be reset at some future time convenient to the Commission. There was no opposition to the request.

F I N D I N G S

THE COMMISSION FINDS:

That the applicant's request should be granted.

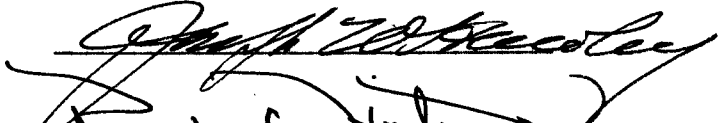
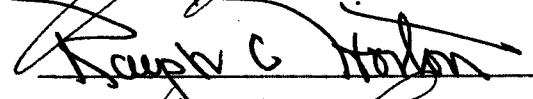
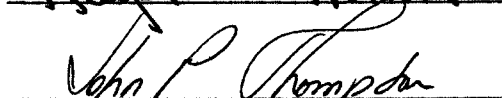
O R D E R

THE COMMISSION ORDERS:

That the setting herein be, and the same is hereby, vacated, at the request of applicant, to be reset at some future date convenient to

the Commission, with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1955.

ea

original

(Decision No. 44084)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRED WEBER, KUTCH, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A	)	APPLICATION NO. 13288-PP
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

March 17, 1955

Appearances: Fred Weber, Kutch, Colorado,
 pro se;
 J. H. McCorkle, Karval, Colo-
 rado, pro se;
 Ralph Kinkade, Simla, Colorado,
 pro se;
 G. Barnhill, Ramah, Colorado,
 pro se;
 Dee Wann, Limon, Colorado,
 pro se, protestants.

S T A T E M E N T

By the Commission:

By his application filed November 17, 1954, applicant seeks authority as a private carrier by motor vehicle for hire to transport farm products, including livestock, from point to point within a radius of fifteen miles of Kutch, Colorado, and from and to points in said area, to and from points, except Denver, in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room, Colorado Springs, Colorado, March 10, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

It appeared from the evidence that the applicant formerly operated the store and Postoffice in Kutch, Colorado, and, as an additional service to his customers there, operated Permit No. B-1481, so that his customers could get an occasional farm animal or farm products transported to Colorado Springs, or could get

small orders picked up in Colorado on occasions when the applicant happened to be there. This permit was revoked in January 1952, for failure of applicant to file monthly road tax reports; applicant stated that it never was clear to him exactly why the permit was revoked, and that the revocation resulted from misunderstanding.

Applicant has had approximately seven years trucking experience and has a net worth in the range of \$15,000.00. The service he formerly rendered was by a 1948 Ford 1½-ton stake body truck, which he still owns. It appears that applicant has now sold the store and Postoffice to one J. W. Tamlin, who needs the permit in order to retain the good will of his customers, and that the applicant is attempting to obtain the permit with a view to transferring it to Mr. Tamlin. The Commission will consider only the matter which is before it; whether the transfer from the applicant to Mr. Tamlin will be permitted will depend upon compliance with the statute and this Commission's Rules and Regulations concerning transfers, and the evidence which is adduced at a hearing concerning the transfer.

It appeared that there had been some discussion between the applicant and the protestants, as a result of which applicant amended his application so that his authority would be restricted to the use of only one truck, and that a bobtail with one rack only and that rack not to exceed fourteen feet in length. Upon oral amendment of the application so to provide, protestants withdrew their protest and there remained no one protesting the granting of the application.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

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

It appears to the Commission that there is a need for service in the area of Kutch, Colorado, which is not adequately served by existing carriers and that the granting of the application, as hereinbelow

limited, will not impair the efficient public service of any authorized motor vehicle common carrier.

That a permit, bearing the number B-1481, being the number formerly held by applicant, should be granted to applicant.

O R D E R

THE COMMISSION ORDERS:

That Fred Weber, Kutch, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products, including livestock, from point to point within a radius of fifteen miles of Kutch, Colorado, and from and to points in said area, to and from points, except Denver, in the State of Colorado; provided, however, that the transportation equipment of the permit-holder shall consist of no more than one truck and that truck shall at no time be larger nor transport a greater load than can be transported in one bobtail truck having one rack not exceeding fourteen feet in length, said permit to bear the number B-1481.

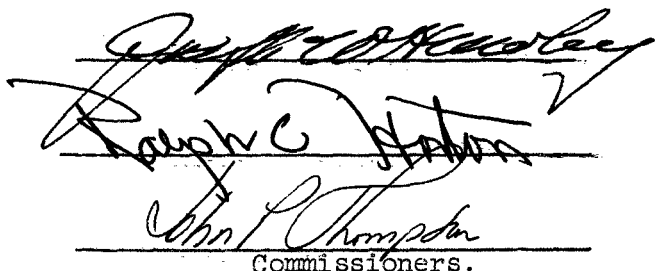
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1955.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LAWRENCE M. COWEN, DOING BUSINESS)	
AS "COWEN TRANSFER & STORAGE CO.,")	
30 WEST COSTILLA STREET, COLORADO)	APPLICATION NO. 13292-Transfer
SPRINGS, COLORADO, FOR AUTHORITY)	
TO TRANSFER PUC NO. 417 TO COWEN)	
TRANSFER & STORAGE CO., A CORPOR-)	
ATION, 30 WEST COSTILLA STREET,)	
COLORADO SPRINGS, COLORADO.)	
-----)	

March 17, 1955

Appearances: H. L. Abbot, Esq., Pueblo,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 2559, dated September 27, 1929, Lawrence M. Cowen, doing business as "Cowen Transfer & Storage Company," Colorado Springs, Colorado, was granted certificate of public convenience and necessity No. 417 to operate as a common carrier by motor vehicle for hire for:

the conduct of a transfer, moving and general cartage business in the Counties of El Paso and Teller and for occasional service from one point to another within the State of Colorado, subject to the terms and conditions hereinafter stated;

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;

the applicant shall not operate on schedule between any points;

the 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 Colorado Springs for the purpose of developing business.

By the instant application, said certificate-holder seeks authority to transfer this certificate to Cowen Transfer & Storage Co., a corporation, Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room, Colorado Springs, Colorado, March 10, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Lawrence M. Cowen testified that he is the owner and operator of the transfer company which holds PUC No. 417, and no other certificate. As a part of his personal estate plan, he wishes to change the form of legal entity which operates the business, but he intends to remain in full charge of the management of the Company and there will be no substantial change of any kind in the operation. The indebtedness of the transferring Company is approximately \$3,500.00, and the assets of the transferee corporation approximately \$42,000.00. A copy of the Certificate of Incorporation of the transferee Company, duly certified by the Secretary of State, was identified and filed.

The Assistant Secretary-Treasurer of the transferee Company identified that Company's financial statement and verified its accuracy.

It appears that the change is one of form of business organization, and does not affect in any substantial respect the actual operation of the Company by applicant transferor.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Lawrence M. Cowen, doing business as "Cowen Transfer & Storage Co.," Colorado Springs, Colorado, should be, and he is hereby,

authorized to transfer all his right, title, and interest in and to PUC No. 417 -- being the operating rights granted by Decision No. 2559 -- to Cowen Transfer & Storage Co., a corporation, Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

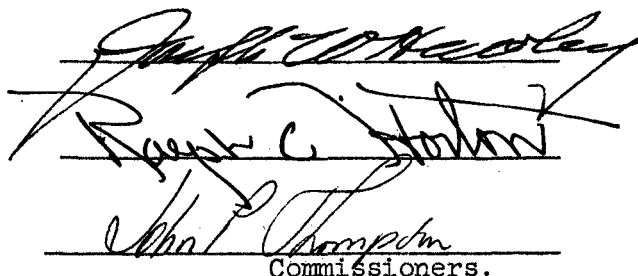
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BILL H. ROGERS, WOODLAND PARK, COLO-)
RADO, FOR AUTHORITY TO EXTEND OPER-)
ATIONS UNDER PERMIT NO. A-3658.)

APPLICATION NO. 12977-PP
AMENDED EXTENSION

March 17, 1955

Appearances: Morton McGinley, Esq., Colo-
rado Springs, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

Pursuant to Permit No. A-3658, the applicant presently has
authority to transport:

milk to Colorado Springs, Colorado, from
points within a 20-mile radius of Wood-
land Park, Colorado.

By his application filed May 17, 1954, as amended July 27,
1954, applicant seeks to extend the authority of this private permit
to permit him to transport frozen foods, milk, dairy products, and
miscellaneous small orders from point to point within a 25-mile radius
of Woodland Park, Colorado.

The matter was set for hearing at Colorado Springs on
October 20, 1954, pursuant to due notice given to all parties in
interest, but at that time continued at the request of the applicant
to some future time convenient to the Commission. The matter was then
reset for hearing and after due notice to all interested parties was
heard at the County Court Room, Colorado Springs, Colorado, March 10,
1955.

It appeared from the evidence that an equipment list and
financial statement of applicant, satisfactory to the Commission, are
now on file with the Commission; that the applicant presently hauls

milk from the Woodland Park area to Colorado Springs, and here seeks back-haul authority, so that he can supply his customers with small items obtained in Colorado Springs for delivery to the customers. Woodland Park is 22 miles from Colorado Springs; the radius of 25 miles is requested so that there will be no doubt as to the applicant's authority to pick up goods anywhere in Colorado Springs for delivery in the Woodland Park area. Applicant expressly disclaimed any desire to haul from point to point within the Colorado Springs or Manitou Springs metropolitan area and stated that his only desire is to render additional service to customers he now has; he wishes to carry only small orders and stated that in no case would any truck load approach a ton in weight.

The need for additional service was established by the testimony of three customer witnesses, and there was evidence that no comparable service is now operated by any carrier, common or private.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

The granting of the application will not impair the efficient public service of any authorized common carrier.

That the authority sought should be granted, as limited hereinbelow.

O R D E R

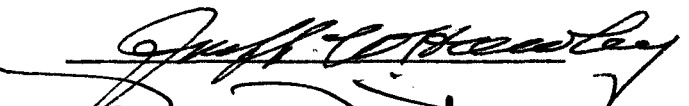
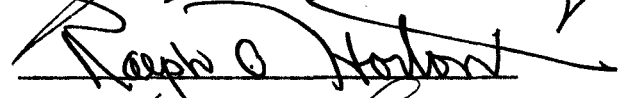

THE COMMISSION ORDERS:

That Bill H. Rogers, Woodland Park, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. A-3658, to include the transportation of frozen foods, milk, dairy products, and miscellaneous small orders from point to point within

a 25-mile radius of Woodland Park, Colorado, excluding, however, point to point service within the metropolitan areas of Colorado Springs and Manitou Springs, Colorado; and provided that no back-haul load transported from the Colorado Springs area shall exceed one ton in the aggregate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO SPRINGS TRANSIT COM-)
PANY, COLORADO SPRINGS, COLORADO,)
FOR AN ORDER EXTENDING ITS CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY TO COMPLY WITH THE PRESENT)
LAW ON THE COMMISSION'S JURISDIC-)
TION OVER UTILITIES IN CHARTER)
CITIES.)

APPLICATION NO. 13291

March 17, 1955

Appearances: C. B. Horn, Esq., Colorado
Springs, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

Under authority of Certificate of Public Convenience and Necessity No. 631 of this Commission, the applicant has for many years engaged in the transportation of passengers for hire in buses in the populated areas surrounding Colorado Springs, Colorado. As a result of the passage of Constitutional Amendment No. 1 in a General Election held November 2, 1954, this Commission acquired jurisdiction over the operations of applicant within the city limits of the home-rule City of Colorado Springs.

The instant application seeks formal recognition of the intra-city operations of the applicant, in form similar to the recognition heretofore given to its operations outside the City. It is not proposed by this application to alter in any respect the present operations of the applicant, but only to give legal sanction thereto.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room,

Colorado Springs, Colorado, March 10, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Testimony was submitted on behalf of applicant that the applicant has engaged in the operation of buses within the City of Colorado Springs continuously since 1932, and that the routes upon which it now operates are those upon which it has operated for a considerable period of time; and that the applicant now serves and has for many years served all of the area located within the city limits of Colorado Springs.

The equipment lists and financial statements in form and content satisfactory to the Commission have heretofore been filed with the Commission by the applicant.

The operating experience of applicant was established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

The applicant is now serving and has for many years served the entire area within the city limits of Colorado Springs; formal recognition should be given to the "grand-father rights" of the applicant to continue its operation, subject to the jurisdiction of this Commission.


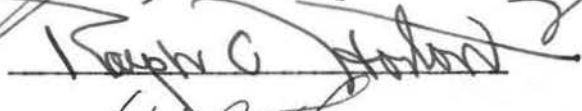
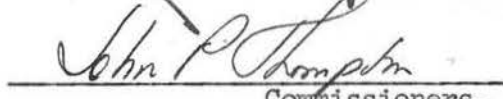
O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the motor vehicle common carrier call and demand service of applicant and that PUC No. 631 should be, and it hereby is, amended and extended to grant authority to transport passengers for hire as a common carrier by motor vehicle within the City of Colorado Springs, Colorado, and this order

shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1955.

mls

(Decision No. 44088)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD BLACK, 261 SOUTH DALE) PERMIT NO. B-4388
COURT, DENVER 19, COLORADO.)

March 21, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-4388 be suspended for six months from March 16, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Howard Black be, and he is hereby, authorized to suspend his operations under Permit No. B-4388 until September 16, 1955.

That unless said permittee 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 21st day of March, 1955.

br

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL W. BUSSINGER, ROUTE 3,)
BOX 228, DENVER, COLORADO.)

PERMIT NO. B-4230
PUC NO. 2797-I

March 17, 1955

S T A T E M E N T

By the Commission:

On September 30, 1954, by Decisions Nos. 43340 and 43341, Carl W. Bussinger, Denver, Colorado, was authorized to suspend operations under Permit No. B-4230 and PUC No. 2797-I, respectively, until March 27, 1955.

The Commission is now in receipt of a communication from said Carl W. Bussinger, requesting authority to further suspend operations under said operating rights until September 27, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

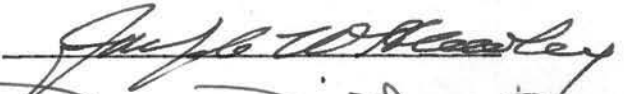
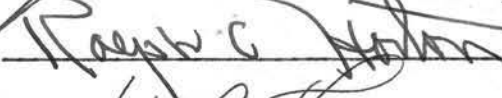
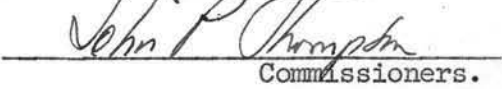
THE COMMISSION ORDERS:

That Carl W. Bussinger, Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-4230 and PUC No. 2797-I until September 27, 1955.

That unless said Carl W. Bussinger shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said operating rights, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits and common carrier certificates, said operating rights, without further order by the Commission, shall stand re-

voked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. STRICKER, A. STRICKER, JR., AND)
J. P. GERRINGER, CO-PARTNERS, DOING)
BUSINESS AS "A. STRICKER & SONS,")
4414 DELAWARE STREET, DENVER, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 13272-PP
SUPPLEMENTAL ORDER

March 18, 1955

Appearances: Harold D. Torgan, Esq.,
Denver, Colorado, and
A. B. Mattson, Esq., Denver,
Colorado, for applicants;
E. B. Evans, Esq., Denver,
Colorado, and
John J. Boken, Golden, Colo-
rado, for Westway Motor
Freight, Inc.;
H. D. Hicks, Denver, Colorado,
for Weicker Transfer and
Storage Company;
J. P. Norman, Denver, Colo-
rado, for Navajo Freight
Lines, Inc.;
A. L. Mueller, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On March 10, 1955, by Decision No. 44049, the above-styled applicants were granted authority by this Commission to operate as a private carrier by motor vehicle for hire, for the transportation of:

drugs and sundries (those items usually sold by wholesale and retail drug stores), from and to the warehouse, or warehouses, of McKesson and Robbins, Inc., to and from retail drug stores, and from and to the warehouse, or warehouses, of Republic Drug Co. and William W. Myer Drug Stores Co., to and from the retail drug stores of the respective companies, all within the following area, to-wit: the City and County of Denver, Colorado, and all points within a radius of sixteen miles of the intersection of Colfax Avenue and Broadway in said City, with no service authorized west of Simms Street, in Jefferson County, Colorado.

It was the intention of the Commission, when granting said authority to applicants herein, to limit service to customers named in the Order contained in Decision No. 44049.

It appears that said restriction was not set forth in said decision.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 44049 should be amended, as set forth in the Order following.

O R D E R

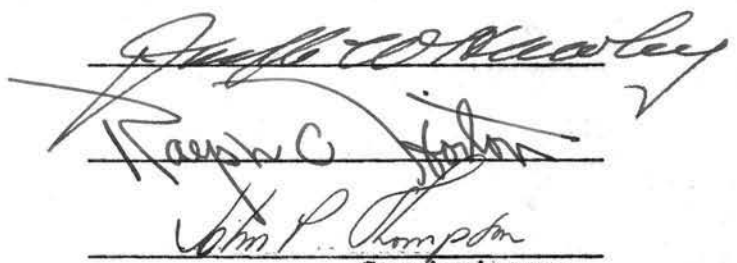
THE COMMISSION ORDERS:

That Decision No. 44049, of date March 10, 1955, should be, and the same hereby is, amended, nunc pro tunc, as of said 10th day of March, 1955, by inserting the following paragraph, following the first paragraph of the Order contained in said Decision No. 44049, appearing on Page 4 thereof:

"That applicants shall not perform service for any customers not hereinabove specifically set forth, without first having obtained authority from this Commission so to do."

That, except as herein amended, said Decision No. 44049 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1955.

ea

original

(Decision No. 44091)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ALMON BATES, ARLES BATES, ROBERT
BATES, ARLIN BATES AND EDWARD BATES,
CO-PARTNERS, DOING BUSINESS AS
"BATES & SONS," HYGIENE, COLORADO,
FOR AUTHORITY TO TRANSFER PUC NO.
449 TO BATES & SONS, INC., A CORPOR-
ATION, HYGIENE, COLORADO.

APPLICATION NO. 13286-Transfer

March 18, 1955

Appearances: Bruce Ownbey, Esq., Denver,
Colorado, for Transferors
and Transferee.

S T A T E M E N T

By the Commission:

Almon Bates, Arles Bates, Robert Bates, Arlin Bates and Edward
Bates, co-partners, doing business as "Bates & Sons," Hygiene, Colorado,
are the owners of PUC-449, authorizing:

Transfer, moving, and general cartage business
in the Counties of Adams, Boulder, Larimer and
Weld, in the State of Colorado, and for the
occasional service throughout the State of
Colorado and in each of the Counties thereof.

Applicants shall not engage in the business of
carrying parcels or packages commonly carried
by carriers rendering express service.

Applicants shall not establish a branch office
or have an agent employed in any other town or
place than the headquarters at their ranch home
near Hygiene, Colorado, for the purpose of de-
veloping business, without further order of the
Commission.

By the instant application, the above named co-partners seek
authority from this Commission to transfer said PUC-449 to Bates & Sons,
Inc., a corporation, Hygiene, Colorado.

The matter was regularly set for hearing, and heard, at the
County Court Room in Boulder, Colorado, on March 9, 1955, and at the
conclusion of the evidence, was taken under advisement.

It appears that the reason for this transfer is that Almon Bates, one of the partners, has heretofore retired from the partnership, and under Civil Action No. 12659, in the District Court in and for the County of Boulder, State of Colorado, an order was entered dissolving said partnership upon the agreement and stipulation of the partners; that, pursuant to said order, said Almon Bates has agreed to transfer his interest in and to the above mentioned certificate to the remaining partners -- Arles Bates, Robert Bates, Edward Bates, and Arlin Bates, who have incorporated their interests in and to said certificate and equipment to a corporation for the more efficient operation and management of said certificate, which Articles of Incorporation are on file with this Commission.

The Commission can see no reason why said transfer to the corporation should not be authorized, as the assets of said corporation total approximately \$40,000.00.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Almon Bates, Arles Bates, Robert Bates, Arlin Bates and Edward Bates, co-partners, doing business as "Bates & Sons," Hygiene, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC-449 -- being the authority as set forth in the preceding Statement, which, by reference, is made a part hereof -- to Bates & Sons, Inc., a corporation, Hygiene, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with, the conditions

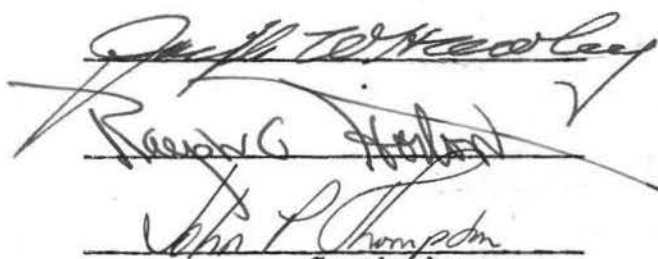
and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARJORIE M. NAILL, DOING BUSINESS)
AS "MORGAN CAB COMPANY," 128 MAIN)
STREET, FORT MORGAN, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 1416)
TO BUD MC CRACKEN AND HAZEL)
MC CRACKEN, CO-PARTNERS, DOING)
BUSINESS AS "MORGAN CAB COMPANY,")
128 MAIN STREET, FORT MORGAN, COLO-)
RADO.)

APPLICATION NO. 13306-Transfer

March 21, 1955

Appearances: Marjorie M. Naill, Fort Morgan,
Colorado, pro se;
Hazel McCracken, Fort Morgan,
Colorado, for transferees.

S T A T E M E N T

By the Commission:

By Decision No. 17315, of date June 30, 1941, as amended by
Decision No. 17442, of date August 6, 1941, L. M. Solt was granted a
certificate of public convenience and necessity (PUC No. 1416) to
operate as a common carrier by motor vehicle for:

the operation of a taxi service, over irregu-
lar routes, on call and demand, between points
within a radius of fifty miles of the City of
Fort Morgan, Colorado.

Thereafter, the following transfers of said operating rights
were effected:

From L. M. Solt to George Stolte (Decision No.
19740, of date September 29, 1942);

From George Stolte to M. W. Palmer and Theodore
Abromski, co-partners, doing business as "Morgan
Cab Company,"; Fort Morgan, Colorado, (Decision
No. 25749, of date April 3, 1946);

From M. W. Palmer and Theodore Abromski, co-
partners, doing business as "Morgan Cab Company,"
to Murphy W. Palmer and Ruby Alberta, co-partners,
doing business as "Ruby Alberta Taxi Company,"
(Decision No. 26299, of date July 30, 1946);

From Murphy W. Palmer and Ruby Alberta, co-partners, doing business as "Ruby Alberta Taxi Company," to Edward Gammel, doing business as "Gammel Cab Company," Fort Morgan, Colorado (Decision No. 26873, of date October 19, 1946);

From Edward Gammel, doing business as "Gammel Cab Company," to Paul E. Noxon and Melvin R. Roehrs, co-partners, doing business as "Morgan Cab Company," Fort Morgan, Colorado, Decision No. 28046, of date April 12, 1947);

From Paul E. Noxon and Melvin R. Roehrs, co-partners, doing business as "Morgan Cab Company," Fort Morgan, Colorado, to Melvin R. Roehrs, doing business as "Morgan Cab Company," Fort Morgan, Colorado (Decision No. 35456, of date October 9, 1950);

From Melvin R. Roehrs, doing business as "Morgan Cab Company," to Marjorie M. Naill, doing business as "Morgan Cab Company," Fort Morgan, Colorado (Decision No. 42448, of date April 14, 1954).

By the instant application, Marjorie M. Naill, doing business as "Morgan Cab Company," Fort Morgan, Colorado, seeks authority to transfer PUC No. 1416 to Bud McCracken and Hazel McCracken, co-partners, doing business as "Morgan Cab Company," Fort Morgan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 17, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Marjorie M. Naill, owner of PUC No. 1416, testified that because of ill health she is unable to further conduct the taxicab service herein involved. There are no debts against the operation. Under the Contract of Sale, she has agreed to sell three pieces of equipment and the certificate for a total purchase price of \$5,750.00. \$3,000.00 is due and payable to her when and if the Commission authorizes the transfer, and the balance of \$2,750.00 is to be evidenced by a promissory note of the transferees, payable to her at the rate of \$65 00 or more per month, bearing interest at the rate of $5\frac{1}{2}\%$ per annum, with the interest on the unpaid balance payable every six months. The first payment will become due thirty days after the Order of transfer. No mort-

gage of the equipment or certificate is involved. She has agreed to pay the Department of Revenue all accrued passenger-mile tax due up to the date of the Order of transfer.

Hazel McCracken, one of the transferees, corroborated the testimony of Mrs. Naill. She identified the financial statement of the transferees on file with the application, showing their net worth to be \$21,120.00. Her husband, Bud McCracken, has had several years experience in the operation of motor vehicles. He is, at the present time, otherwise employed, but she expects to conduct operations under the certificate, and will employ drivers.

No one appeared in opposition to granting the authority sought to transfer.

The operating experience and financial responsibility of transferees were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

O R D E R

THE COMMISSION ORDERS:

That Marjorie M. Naill, doing business as "Morgan Cab Company," Fort Morgan, Colorado, should be, and she hereby is, authorized to transfer all her right, title, and interest in and to PUC No. 1416 -- being the operating rights granted by Decision No. 17315, as amended by Decision No. 17442 -- to Bud McCracken and Hazel McCracken, co-partners, doing business as "Morgan Cab Company," Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the

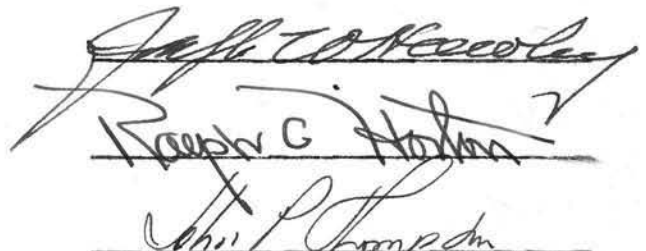
Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

The right of transferees to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY BERG AND JAMES F. HAMMOND, CO-)
PARTNERS, DOING BUSINESS AS)
"AMERICAN FLORAL DELIVERY," 1469)
WILLIAMS STREET, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT)
NO. B-4762 TO ROY BERG, DOING BUSI-)
NESS AS "AMERICAN FLORAL DELIVERY,")
1469 WILLIAMS STREET, DENVER,)
COLORADO.)

APPLICATION NO. 13296-PP-Transfer

March 21, 1955

Appearances: Barry and Hupp, Esqs., Denver,
Colorado, by John Barry, Esq.,
for Transferors and Transferee.

S T A T E M E N T

By the Commission:

By Decision No. 42780, dated June 8, 1954, Roy Berg and James F. Hammond, co-partners, doing business as "American Floral Delivery," Denver, Colorado, were authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

cut flowers, potted plants, funeral wreaths, miscellaneous floral displays, and accessories for floral displays, from and to, to and from, all points within a radius of fifteen miles of the City and County of Denver, on the one hand, and from and to, to and from, points within said radius, to and from, from and to, points within a radius of forty miles of the City and County of Denver, Colorado.

By the instant application, as filed, said permit-holders seek authority to transfer Permit No. B-4762 to Roy Berg, doing business as "American Floral Delivery," Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March

16, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

The matter being called up for hearing, the transferors moved to amend their application to change the spelling of the name of the transferor Berg to "Bergh;" to change the address of the Company from 1469 Williams Street to 1522 Park Avenue, Denver; and to amend the application to make it clear that the transfer is from Hammond and Bergh, as co-partners, to Bergh and Glen E. White, as co-partners, doing business as "American Floral Delivery." There being no objections, these amendments were permitted.

It appeared from the evidence that Hammond, who is the withdrawing partner, has been actually operating the office from which the business is conducted; that Bergh is thoroughly familiar with the operation; that a financial arrangement, satisfactory to Hammond, has been made, and that Hammond now wishes to withdraw entirely from the business. It appeared that all outstanding obligations of the business have been settled.

Transferee Glen E. White is to take over the functions formerly performed by Hammond, subject to the continued assistance of Bergh. It appears that business has been increasing, and that White is fully qualified to be substituted in the business for Hammond.

The financial condition of the transferee partnership was established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Roy Bergh and James F. Hammond, co-partners, doing business as "American Floral Delivery," Denver, Colorado, should be, and they are hereby, authorized to transfer all their right, title, and interest in and to Permit No. B-4762 -- being the operating rights granted by Decision No. 42780 -- to Roy Bergh and Glen E. White, co-partners, doing business as "American Floral Delivery," Denver, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

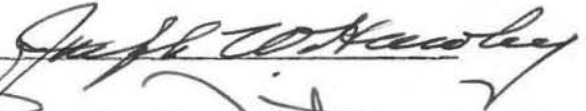
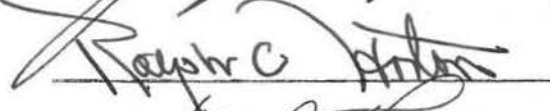

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARLIE L. GORDON, BOX 41, CASTLE)
ROCK, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 13305-Transfer
TRANSFER PUC NO. 1134 TO DONALD P.)
BROWN, BOX 32, LARKSPUR, COLORADO.)
-----)

March 21, 1955

Appearances: Arlie L. Gordon, Castle Rock,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 4, 1937, by Decision No. 10458, Harold G. Chipman and Edward Chipman were authorized to operate as a common carrier by motor vehicle for hire, for 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,

said operating rights being designated "PUC No. 1134."

Subsequently, the following transfers of said PUC No. 1134 were effected:

Harold G. Chipman and Edward Chipman to Ray F. Miller, (Decision No. 13889, of date August 23, 1939);

Ray F. Miller to J. L. Hammond (Decision No. 17297, of date June 27, 1941);

J. L. Hammond to Jesse McKinster (Decision No. 22179, of date April 14, 1944);

Jesse McKinster to L. J. Wassam (Decision No. 22881, of date November 18, 1944);

L. J. Wassam to Earl Dalton, Palmer Lake, Colorado, (Decision No. 25853, of date April 17 1946);

Earl Dalton to J. C. Perley and E. C. Kuehster, Larkspur, Colorado, (Decision No. 28196, of date May 23, 1947);

J. C. Perley and E. C. Kuehster, Larkspur, Colorado, to Lester S. Bolejack (Decision No. 28987, of date September 13, 1947);

Lester S. Bolejack to John V. Ehlers, Elbert, Colorado (Decision No. 30841, of date July 6, 1948);

John V. Ehlers, Elbert, Colorado, to Arlie L. Gordon, Castle Rock, Colorado (Decision No. 36348, of date March 26, 1951).

By the instant application, Arlie L. Gordon, Castle Rock, Colorado, seeks authority to transfer PUC No. 1134 to Donald P. Brown, Larkspur, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 17, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Arlie L. Gordon testified that he has been operating PUC No. 1134 for the past four years; that for physical reasons, he does not care to continue the operation. His equipment consists of one 1955 Ford van, and this equipment is being sold to transferee in connection with the certificate, for a total sum of \$6,000.00, which has been paid in full. There is no indebtedness against his operation under the certificate. He stated that the transferee has had experience in the trucking business, and knows the detail of the operations under the certificate, as he has been working at the milk plant at Larkspur. He is satisfied that transferee is qualified financially to conduct the operation, as he was able to pay the full purchase price for the equipment and certificate, and has ample credit to raise more money, if necessary.

No one appeared to protest transfer of said operating rights.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness against said operation, if any there be.

O R D E R

THE COMMISSION ORDERS:

That Arlie L. Gordon, Castle Rock, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1134 -- being the operating rights granted by Decision No. 10458 -- to Donald P. Brown, Larkspur, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1955.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R. L. MATLOCK, 3497 SOUTH LOGAN)	
STREET, ENGLEWOOD, COLORADO, FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	<u>APPLICATION NO. 13297</u>
AND NECESSITY TO OPERATE ASH HAUL-)	
ING AND TRASH HAULING ROUTES.)	
-----)	

March 21, 1955

Appearances: Walter A. Ballou, Esq.,
Denver, Colorado, for
applicant;
Robert E. McLean, Esq.,
Denver, Colorado, for
Dick Akeman, Englewood
Pick-Up Service, Harry C.
Davis, Clyde Persinger, and
Fred Schroeder, protestants.

S T A T E M E N T

By the Commission:

By the above styled application filed February 7, 1955,
applicant seeks authority as a common carrier by motor vehicle for
hire to transport ashes and trash in an area adjacent to Denver,
bounded by Colorado Boulevard, Evans Avenue, Federal Boulevard,
and Ridge Road.

Said application, pursuant to prior setting, after approp-
riate notice to all parties in interest, was heard at the Hearing Room
of the Commission, 330 State Office Building, Denver, Colorado,
March 16, 1955, and at the conclusion of the evidence, the matter
was taken under advisement.

It appeared from the evidence that applicant is presently
engaged in the operation of a filling station and used car lot in
Englewood, and has lived for approximately five years in what is
generally the northwest corner of the area he now seeks to serve.

His net worth is approximately \$18,000.00, and he is the owner of a 1947 Dodge 1½-ton dump truck which meets state and local health requirements and is generally suitable to the use he here seeks to make of it.

It appeared that applicant has made a survey of the needs in the area he seeks to serve, and finds an urgent and unsatisfied need for the service in an area bounded by South Santa Fe Drive, West Hampden, South Federal Boulevard, and West Evans Avenue, in which area he estimates there are approximately 7,000 homes. He also conducted a brief survey in the business district of Englewood, the results of which do not, in the opinion of the Commission, establish the need for additional service in that area. The applicant stated that he is prepared, willing and able to devote full time to the operation, if the certificate is granted, and that he has had sufficient part-time experience with another operator in the area to know what the requirements of the business will be. Applicant's only purported customer witness was one Robert Forbes, a neighbor of applicant who had never used the service of an ash or trash hauler himself, and had never tried to obtain such service, although he had lived in the area approximately five years. He also testified that, although some service is now being rendered to the area, it is being rendered on a bootleg basis by young people of high-school age, with trailers attached to automobiles.

The protestants called Mr. Edward Mendenhall, the Fire Warden of Englewood Fire District, whose duty it is to inspect the district for fire hazards, trash being one of the more common of such hazards. He stated that the present haulers in the area, which includes Englewood, Cherry Hills, Greenwood Village, and Brookridge Heights, the district being bounded on the west by Santa Fe Drive, give excellent ash and trash service; that existing carriers have always given him excellent cooperation; that he has heard no complaints whatsoever concerning existing service; and that on occasion when he has had to order a citizen to have trash removed, it has always been possible to get prompt service from existing carriers.

Protestants testified concerning the equipment available to serve the area. It appears that there are a minimum of ten especially-equipped dump trucks operated by at least six carriers within the area to be served; that these carriers advertise in the newspapers and other media common in the area and stand ready to serve whatever business now exists or may develop. It also appears that a substantial part of the existing equipment is idle a significant percentage of the time.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

The hazard of authorizing additional carriers in the area sought to be served by applicant is that the business available in the area may become spread among so many carriers that none of them can economically offer efficient service. The Commission is of the opinion, and so finds, that the applicant's evidence was insufficient to show any public necessity or convenience in the area great enough to justify the Commission's flirting with this hazard.

On the basis of the evidence presented, the Commission concludes that existing service is adequate and that the application should be denied.

The motion of the protestants to dismiss, made at the conclusion of applicant's case and at the conclusion of the evidence, is therefore granted.

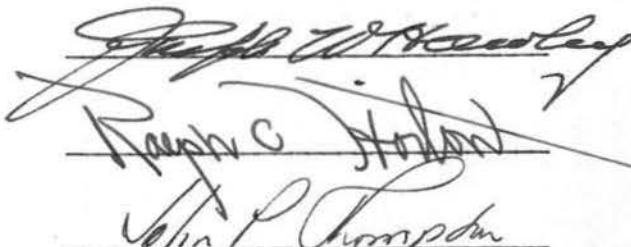
O R D E R

THE COMMISSION ORDERS:

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LESLIE L. JAYNES, ROUTE 3, BOX 424,)	
GOLDEN, COLORADO, FOR A CLASS "B")	APPLICATION NO. 13295-PP
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

March 21, 1955

Appearances: Leslie L. Jaynes, Golden,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On February 3, 1955, applicant filed application seeking authority to transport sand, gravel, road surfacing materials, dirt, stone, and refuse to road jobs and building construction jobs, all as more fully set forth in the application.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 16, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

The matter being called up for hearing, however, applicant stated that his actual purpose is not to serve road and construction jobs, but rather is to obtain authority as a private carrier by motor vehicle for hire to transport feldspar in sizes not to exceed six inch screening from a mine near Buffalo, Colorado, to Consolidated Feldspar Company in Denver, and asked leave to amend his application so to provide. There being no objection, the amendment was permitted.

It appeared from the evidence that the applicant was asked

by the owner of the mine to do this transportation work, and that the work involves specialized off-the-highway transportation peculiarly suitable to the use of private rather than common carriers.

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

It appeared that applicant has a net worth in the range of \$5,000.00, and owns a 1949 Ford dump truck suitable to the purpose.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

Existing common carrier service is, as to this unique activity, inadequate; the proposed private carrier operation will not impair the efficient public service of any authorized common carrier.

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Leslie L. Jaynes, Golden, 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 feldspar to Denver, Colorado, from an area within 5 miles of Buffalo, Colorado.

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

That 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.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules

and regulations of the Commission.

That this Order shall become effective twenty-one days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BEN F. ESPINOZA, MANASSA, COLO-)
RADO.)

PERMITS NOS. B-2911 and B-2911-I

March 21, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permits Nos. B-2911 and B-2911-I be suspended for six months from January 30, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ben F. Espinoza, Manassa, Colorado, be, and he is hereby, authorized to suspend his operations under Permits Nos. B-2911 and B-2911-I until July 30, 1955.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permits, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permits, 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 21st day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO MILK TRANSPORT, INC.,)
5080 RACE STREET, DENVER, COLORADO,)

Complainant,)

vs.)

REINHOLD EHRLICH, BOX 201, WINDSOR,)
COLORADO,)

Defendant.)

CASE NO. 5096

March 21, 1955

Appearances: Barry and Hupp, Esqs., Denver,
Colorado, for Complainant.

S T A T E M E N T

By the Commission:

Complaint in the above-styled matter was filed with the Commission on January 18, 1955.

Subsequently, said Complaint was set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 18, 1955, at ten o'clock A. M., at which time and place attorneys for Complainant requested that said case be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

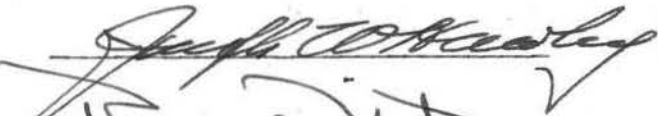
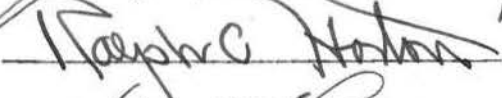

O R D E R

THE COMMISSION ORDERS:

That Case No. 5096 should be, and the same hereby is, dismissed, at request of Attorneys for Complainant.

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 21st day of March, 1955.

mls

original

(Decision No. 44099)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD DE LUE, E. L. DE LUE, D. J.)
SEBERN, AND T. W. RINKER, CO-)
PARTNERS, DOING BUSINESS AS "ARMORED)
MOTORS SERVICE," 1536 WELTON STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-953.)

APPLICATION NO. 12845-PP-Extension

March 21, 1955

Appearances: Barry and Hupp, Esqs., Denver,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, applicants herein seek author-
ity to extend operations under Permit No. B-958 to include the right to
transport gold and silver bullion, currency and coin, and other articles
of unusual value, between points in the State of Colorado.

Said application was regularly set for hearing at the Hearing
Room of the Commission, 330 State Office Building, Denver, Colorado,
March 18, 1955, at ten o'clock A. M., due notice thereof being sent to
all parties in interest.

When said application was called for hearing, attorneys for
applicants requested that said matter be continued for hearing on a
later date.

No one objected to said continuance.

F I N D I N G S

THE COMMISSION FINDS:

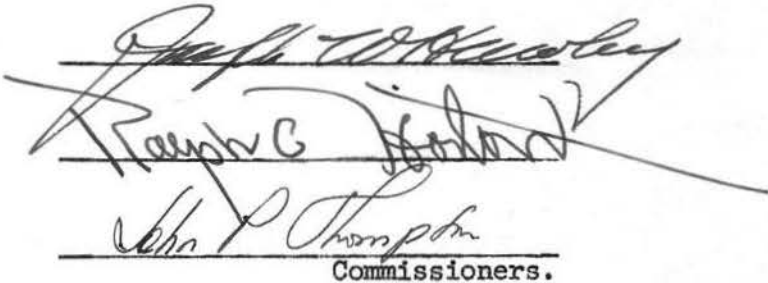
That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearing in the above-styled matter should be, and the same hereby is, continued, at request of attorneys for applicants herein, to 10:00 o'clock A. M., March 30, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
ROSS A. RICHEY, BOX 776 IDAHO
SPRINGS, COLORADO.

PERMIT NO. A-759

March 21, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. A-759 be suspended for six months from March 18, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ross A. Richey, Idaho Springs, Colorado, be, and he hereby is, authorized to suspend his operations under Permit No. A-759 until September 18, 1955.

That unless said permit-holder 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

Ralph C. Harrison
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROSS A. RICHEY; BOX 776 IDAHO)
SPRINGS, COLORADO.)

PERMIT NO. B-961

March 21, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-961 be suspended for six months from March 18, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ross A. Richey, Idaho Springs, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-961 until September 18, 1955.

That unless said permit-holder 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 21st day of March, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
KELLY FIORENTINI, WESTON,)
COLORADO.)

PERMIT NO. B-4225

March 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Kelly Fiorentini

requesting that Permit No. B-4225 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4225, heretofore issued to

Kelly Fiorentini

be,

and the same is hereby, declared cancelled effective March 18, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank W. Hawley
 William G. Gordon
 John Thompson
 Commissioners

Dated at Denver, Colorado,

this 25th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

WOODROW METHENEY, BOX 181,
ERIE, COLORADO.

PERMIT NO. B-4492

March 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Woodrow Metheney

requesting that Permit No. B-4492 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4492, heretofore issued to _____

Woodrow Metheney

be,

and the same is hereby, declared cancelled effective March 17, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures and stamps]

Commissioner

Dated at Denver, Colorado,

this 25th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
H. W. HOSKINS, CHAMPION,)
NEBRASKA.)
)
)
)
-----)

PERMIT NO. B-3018-I

March 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

H. W. Hoskins

requesting that Permit No. B-3018-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

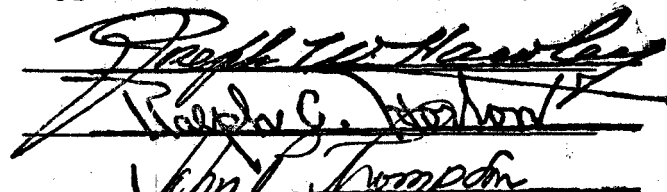
THE COMMISSION ORDERS:

That Permit No. B-3018-I, heretofore issued to _____

H. W. Hoskins be,

and the same is hereby, declared cancelled effective March 15, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 25th day of March, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALVIN EARNEST WILSON, 1175)
LANSING, AURORA, COLORADO.)
-----)

PERMIT NO. B-4580

March 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4580 be suspended for six months from March 22, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

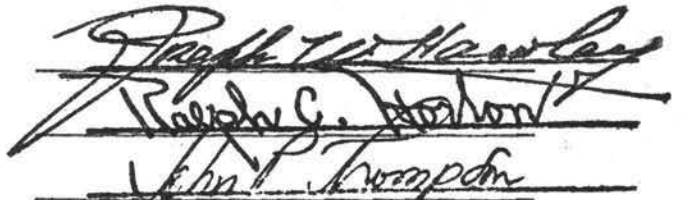
O R D E R

THE COMMISSION ORDERS:

That Alvin Earnest Wilson, Aurora, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4580 until September 22, 1955.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JAMES R. & VELMA A. KUHLMAN,)
RANGELY, COLORADO.)
)
)
)
-----)

PERMIT NO. B-4533

March 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

James R. & Velma A. Kuhlman

requesting that Permit No. B-4533 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

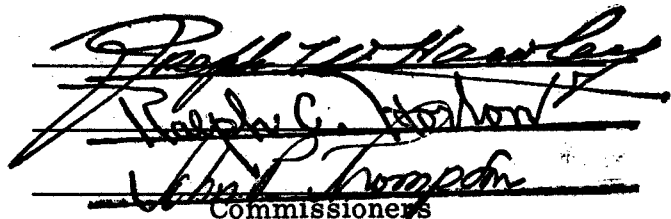
That Permit No. B-4533, heretofore issued to _____

James R. & Velma A. Kuhlman

be,

and the same is hereby, declared cancelled effective March 22, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 25th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. B. BRATCHER, P. O. BOX 297,)
LINDSAY, OKLAHOMA.)

PUC NO. 2625-I

March 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. B. Bratcher, Lindsay, Oklahoma, requesting that Certificate of Public Convenience and Necessity No. 2625-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

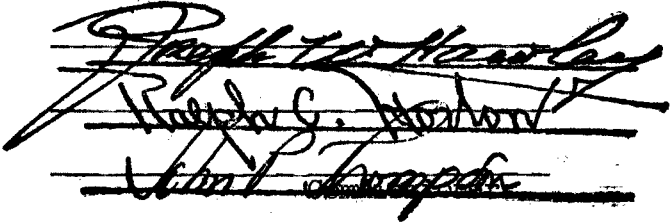
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2625-I, heretofore issued to C. B. Bratcher, Lindsay, Oklahoma, be, and the same is hereby, declared cancelled effective March 22, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dated at Denver, Colorado,
this 25th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WALTER & CHARLES JOHNSON,)
SHAWNEE, COLORADO.)

PERMIT NO. B-4433

March 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Walter & Charles Johnson

requesting that Permit No. B-4433 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4433, heretofore issued to

Walter & Charles Johnson

be,

and the same is hereby, declared cancelled effective March 18, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

~~Ralph W. Hawley~~
~~Ralph G. Boston~~
~~W. D. Dorniss~~

Dated at Denver, Colorado,

this 25th day of March, 1955.

mls

original

(Decision No. 44109)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, RULES)
AND REGULATIONS IN THE MOTOR TRUCK)
COMMON CARRIERS' ASSOCIATION, AGENT,)
FREIGHT TARIFF NO. 12, COLORADO PUC)
NO. 6, ISSUED BY J. R. SMITH, CHIEF)
OF TARIFF BUREAU, 407 DENHAM BLDG.,)
DENVER 2, COLORADO.)

CASE NO. 1585

March 23, 1955

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective March 28, 1955, designated as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

The establishment of the exception to the classification for account of Fred T. Gibson on fish, fresh or frozen, vegetables and/or fruit or vegetable juices, frozen, represents a reduction which the carrier hopes will encourage and increase the movement of said commodities and is in line with similar exceptions made by other carriers.

The establishment of the exception to the classification for account of Ralph A. Earnest, D/B/A Aspen Truck Line on film, motion picture exposed, represents a reduction which the carrier hopes will encourage and increase the movement of said commodities and is in line with similar exceptions made by other carriers.

The establishment of the exclusion of the 15 per cent increase, for account of Eveready Freight Service Inc. and August H. Ackelbein, D/B/A Salida Transfer Co., on brick, sand, gravel, drain tile, cement, etc. represents a reduction which the carriers hope will encourage and increase the movement of said commodities and is in line with similar exceptions made by other carriers.

The establishment of the exception to the classification for account of all carriers on empty egg cases, returned, represents an increase but is in line with the increased minimum on other commodities.

The increase of 10 per cent on LTL class rates and a corresponding increase for 5,000 pound and 10,000 pound minimum for the account of Denver-Limon-Burlington Transfer Co. between Denver and points on their route is the result of this Company's best judgment in attempting to overcome its operating losses.

The establishment of named class rates between Rico, Ophir, Telluride, and Ridgway, on the one hand, and Denver, Grand Junction, Pueblo or Montrose on the other hand, is due to the increased movements to these points, formerly rates to and from these points were on a mileage basis.

The inclusion of a transfer charge on lumber constitutes an increase and is in line with the transfer charge on other commodities made by Telluride Transfer at Ridgway, Colorado.

The establishment of a named class rate between Denver and the Cloverleaf Kennel Club for the account of Denver-Loveland Transportation Co. is in line with recent extension of their certificate.

The establishment of named commodity rates for account of B & V Truck Line on milk from areas served by B & V Truck Line to Denver constitutes a nominal increase from some points and a small decrease on other points. These changes are in line with the balance of the rates of B & V Truck Line.

F I N D I N G S

THE COMMISSION FINDS:

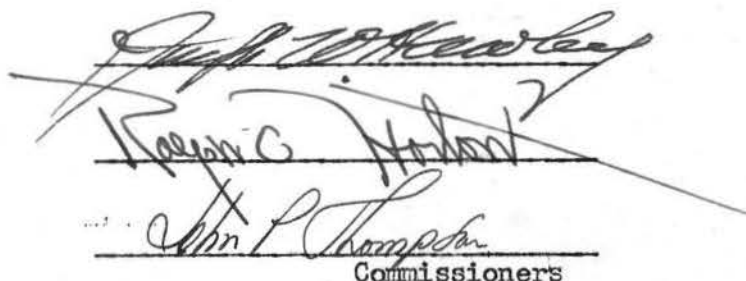
That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on March 28, 1955, be the prescribed rates, rules, regulations and provisions of the Commission.
4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. On and after March 28, 1955, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.
6. On and after March 28, 1955, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.
7. 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 and liabilities applicable to a motor vehicle common carrier.
8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.
9. 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 March, 1955.

"APPENDIX A"

1. To establish the following Class Rates for account of Denver-
Limon-Burlington Transfer Co.:

BETWEEN			DENVER												
INDEX	AND	MILES	LTL				5000#				10000#				Rte
			1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
840	Arapahoe	187	180	157	127	101	175	152	122	96	170	147	117	91	11
860	Arlington	194	187	138	130	102	182	153	125	97	177	148	120	92	11
880	Aroya	133	162	138	114	89	157	133	109	84	152	128	104	79	11
890	Arriba	112	154	130	105	83	149	125	100	78	144	120	95	73	11
1070	Bethune	159	171	144	120	94	166	139	115	89	161	134	110	84	11
1130	Bovina	106	145	124	101	81	140	119	96	76	135	114	91	71	11
1150	Bovero	123	158	134	112	86	153	129	107	81	148	124	102	76	11
1170	Brandon	194	187	158	130	102	182	153	125	97	177	148	120	92	11
1310	Buick	73	124	105	86	66	119	100	81	61	114	95	76	56	11
1320	Burlington	167	176	146	123	95	171	141	118	90	166	136	113	85	11
1480	Cheyenne Wells	177	178	154	125	98	173	119	120	93	168	144	115	88	11
1490	Chivington	188	180	157	126	101	175	152	121	96	170	147	116	91	11
1770	Eads	174	178	154	125	98	173	149	120	93	168	144	115	88	11
1980	First View	168	176	146	123	96	171	141	118	91	166	136	113	86	11
2180	Galatea	217	187	166	138	108	182	161	133	103	177	156	128	98	11
2450	Haswell	208	193	165	136	105	188	160	131	100	183	155	126	95	11
2600	Hugo	105	145	124	101	81	140	119	96	76	135	114	91	71	11
2680	Inman	199	187	158	130	102	182	153	125	97	177	148	120	92	11
2840	Kit Carson	153	171	144	120	94	166	139	115	89	161	134	110	84	11
3010	Limon	90	136	116	95	76	131	111	90	71	126	106	85	66	11
3050	Lolita	180	178	154	125	98	173	149	120	93	168	144	115	88	11
4050	Sheridan Lake	201	193	165	136	105	188	160	131	100	183	155	126	95	11
4250	Stratton	149	166	143	116	92	161	138	111	87	156	133	106	82	11
4540	Vona	142	166	143	116	92	161	138	111	87	156	133	106	82	11
4730	Wild Horse	140	162	138	114	89	157	133	109	84	152	128	104	79	11

2. To establish the following Class Rates for account of Telluride
Transfer Co.:

INDEX		MILES	LTL				5000#				10000#				RTE
			1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
3801	Between Denver And Rico	440	334	285	233	184	271	230	191	150	219	185	153	118	94
5075	Between Grand Jct. And Rico	165	205	175	144	114	163	140	113	89	125	107	87	69	92
6921	Between Pueblo And Rico	326	334	285	233	184	271	230	191	150	219	185	153	118	94
7908	Between Montrose And Ophir	--	151	130	105	84	113	98	78	63	78	68	55	43	92
7911	Rico	--	162	140	114	89	122	104	86	64	85	72	60	45	92
9335	Between Ophir And Ridgway	56	132	113	92	72	98	83	69	54	68	59	47	38	92
9340	Telluride	11	89	75	60	48	64	55	45	35	40	32	29	21	92
9345	Between Rico And Ridgway	70	143	121	98	77	105	86	74	58	74	61	52	39	92
9350	Telluride	30	102	87	72	55	74	63	49	40	45	39	31	25	92

3. To establish the following Class Rates for account of Denver-
Loveland Transportation Co.:

INDEX		MILES	LTL				5000#				10000#				RTE
			1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
1505	Between Denver And Cloverleaf Kennel Club	49	101	86	70	57	77	64	52	42	45	40	32	25	12

4. To establish the following exception to the National Motor Freight
Classification for account of Fred T. Gibson:

<u>Article</u>	<u>Class Rating</u>
Fish, fresh or frozen, as described under that heading in the current classification	3
Vegetables and/or fruit or vegetable juices, frozen	3
The shipper must supply refrigeration necessary to insure safe delivery to destination.	

5. To establish for the account of Ralph A. Earnest, D/B/A Aspen
Truck Line the following exception to the classification:

<u>Article</u>	<u>Class Rating</u>
Film, motion picture, exposed, packed in metal containers: Black and White, released to a value not exceeding \$2.00 per pound	1
Technicolor, released to a value not exceeding \$8.00 per pound	1

If declared or released value exceed that shown above, or shipper refuses to declare or release value, the shipment will not be taken.

The value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipper order and bill of lading as follows:

"The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$_____ per pound for each article."

Shipments of moving picture films, exposed, must be governed by the Rules of the Public Utilities Commission governing "Explosives and Inflammable Articles," prescribed in "Revised General Order No. 43" dated July 21, 1936.

6. To exclude the application of the 15 per cent increase on Section 3 commodities (brick, drain tile, etc.) in connection with the operation of Eveready freight Service, Inc. and August H. Ackelbein, D/B/A Salida Transfer Company.

7. To establish the following exception to the National Motor Freight Classification Rules for all carriers:

On movements of Empty Egg Cases, returned, subject to Item No. 810, the minimum charge shall be for 100 pounds at one-half of the applicable fourth class rate.

8. To establish the following charge for the account of Telluride

Transfer:

Lime, Zinc, Copper Sulphite, or Sodium Sulphite, in bags. Lumber in carload lots.	Transferred from railroad car to motor carrier's equipment at Ridgway, Colorado.	\$1.40 per ton of 2,000 pounds.
---	--	--

9. To establish the following commodity rates for the account of

B & V Truck Line:

<u>Item 3070</u>	FROM:	TO:	cents per 100 lbs.
Milk, in shipping cans.	The farms of:		
Rates include return of empty cans.	Carl Stander		(1) 60
(1) Minimum charge \$1.00 per day.	Mike Hagerman		(1) 70
(2) Minimum charge \$2.00 per day.	Margaret Scott		(1) 60
	Ben Eldringhoff	Denver, Colorado	(1) 60
	Wm. C. Ehman		(1) 60
	Geo. Ehman, Jr.		(1) 70
	Samuel Bishop		(1) 70
	John Ehman		(2) 60
	Fred Ehman		(2) 60

<u>Item 3110</u>	FROM:	TO:	
Milk or Cream. Rates include return of empty cans. (Applies only on Colorado intrastate traffic.)	Points in authorized territory of B & V Truck Line - other than shippers named in Item 3070.	Denver, Colorado	See Below
			Cents per 100 lbs.
400 pounds or less per day on an average for a bi-monthly period			69
800 pounds and over 400 pounds per day on an average for a bi-monthly period.			58
Over 800 pounds per day on an average for a bi-monthly period.			46

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CITY OF MONTE VISTA, A MUNICIPAL)
CORPORATION, FOR A PERMIT OR AUTH-)
ORITY TO INSTALL, CONSTRUCT AND)
MAINTAIN A RAILROAD CROSSING.)
-----)

APPLICATION NO. 13182

March 24, 1955

Appearances: Harry M. Howard, City Attorney,
Monte Vista, Colorado,
Ronald Iske, City Manager,
Monte Vista, Colorado, and
J. O. Veteto, Mayor, Monte Vista,
Colorado, for the City of
Monte Vista, applicant;
T. A. White, Esq., Denver, Colo-
rado, for The Denver & Rio
Grande Western Railroad Company;
Joe Riggerback, Monte Vista,
Colorado, pro se;
A. H. Hall, Monte Vista, Colorado,
pro se;
Dwight Haskell, Monte Vista,
Colorado, for Public Service
Company of Colorado;
R. B. Dudley, Alamosa, Colorado,
and
H. J. Abel, Alamosa, Colorado,
for Colorado Department of
Highways.

S T A T E M E N T

By the Commission:

On November 26, 1954, the City of Monte Vista, Colorado, by its City Attorney, Harry M. Howard, filed an application with this Commission, seeking authority to establish, construct and maintain a public highway-grade crossing over the tracks and right-of-way of the Denver & Rio Grande Western Railroad Company at Mile Post 262 + 4706 feet, and being some six miles southeasterly from the City of Monte Vista, Rio Grande County, Colorado.

A hearing in the matter was scheduled for February 9, 1955, at City Hall, Alamosa, Colorado, and, after appropriate notice to interested parties, including the owners of adjacent property, was there heard by the Commission and taken under advisement.

Review of the instant application indicates that the City of Monte Vista has secured certain lands located some six miles south-easterly from the city for the purpose of relocating and establishing its municipal airport on a larger site and in a more advantageous traffic position. The proposed location is adjacent to U. S. Highway 160-285, and the Rio Grande main line trackage serving between Alamosa and Creede, Colorado. However, the Rio Grande trackage is situated between the proposed airport site and the highway; therefore, the instant application is made to secure authority for the highway-railroad grade crossing that will be required as a part of the new entrance roadway as proposed for access to the hangar area and administration buildings.

Explanatory testimony relative to the proposed work and the following exhibits was given by Mr. Ronald Iske, Monte Vista City Manager.

- Exhibit No. 1. Permit to City of Monte Vista, dated December 16, 1954, from The D&RGW Railroad Company for temporary private road crossing.
- Exhibit No. 2. Album of photographs containing seven pictures to show the proposed rail crossing, the adjacent highway, general open visibility of the whole area and flat approaches and grade over the crossing.
- Exhibit No. 3. Map to show proposed air strip, location of Administration and other service buildings, ownership of adjacent land and layout of nearby roads.
- Exhibit No. 4. Resolution of the City Council of the City of Monte Vista, adopted December 29, 1954, authorizing the City Manager to initiate and complete the negotiations with Rio Grande Railroad necessary to secure and construct the proposed crossing at a cost not to exceed \$506.00.
- Exhibit No. 5. Permit to City of Monte Vista, dated January 5, 1955, from Colorado Department of Highways to authorize construction of the proposed roadway intersection at the south side of State Highway No. 10.

The proposed crossing installation will consist of timber planking thirty-two feet long. Proposed protection will consist of two reflectorized cross-bucks. Complete construction will conform with the

specifications of the Commission for this type of crossing. Standard "STOP" sign of the Department of Highways will govern vehicular movements from the proposed new roadway onto the existing main Colorado Highway No. 10.

Relative to turning movements onto the highway, Mr. Iske explained there was some sixty feet of available space between the rail line and the highway for vehicle stopping before entrance onto the main highway. He cited also that the longest vehicle contemplated to use the new crossing would be a gasoline truck, and that there would be no occasion for usage by long trailer units or cattle trucks.

Estimated vehicular traffic is twenty-five to fifty vehicles per day at speeds of ten to twenty-five miles per hour. The rail traffic consists of freight movements only and averages four trains per week at speeds of thirty to forty miles per hour. Length of trains varies from two or three cars to fifty cars, according to seasonal shipments. A siding, some 1180 feet in length, known as "Parma" is located approximately 1200 feet southeasterly from the proposed crossing, and no difficulty is anticipated from long trains stopped on the main line. Proximity of the siding track is considered quite advantageous for receipt of building materials for the airport construction.

In connection with the proposed air strip, it appears that the entire area is quite open, and no hazards of restricted vision are apparent at the proposed crossing site. Mr. Iske stated it was his belief that the proposed protection would be adequate. Estimated cost of the completed crossing is \$506.00, which the City of Monte Vista has agreed to pay; also, agreeing further that upon approval of the proposed construction and protection by this Commission, the crossing will become a public facility.

Relative to the question of safety on the main highway in connection with traffic movements at the new roadway, a statement was given by Mr. R. B. Dudley, District Construction Engineer of the

Colorado Department of Highways, at Alamosa, Colorado. Mr. Dudley stated he knew the proposed location; was aware of the traffic volumes; that he only considered the new roadway to be the same as any other intersection of a side road, and therefore anticipated no additional main highway hazards.

No other testimony was offered at the hearing. Reference to the Commission's files reveals a reply statement of the Monte Vista Commercial Club stating that organization did not oppose the granting of the application, since they deemed it to be for the best interest of all parties concerned. No objections to the proposed work were offered at the hearing and none appear in the Commission's files.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require the establishment, construction and maintenance of a new highway-grade crossing over the tracks and right-of-way of the Denver & Rio Grande Western Railroad Company, at its Mile Post 262 + 4706 feet, west of Parma, Rio Grande County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That the City of Monte Vista, Colorado, a municipal corporation, be, and it hereby is, granted a certificate of public convenience and necessity, authorizing it to establish and construct a new public highway-railroad grade crossing at Mile Post 262 + 4706 feet of The Denver & Rio Grande Western Railroad Company, and located on the access road serving to the San Luis Valley Airport; said roadway and crossing being some 2100 feet northwesterly along the railroad line from the eastern boundary line of Rio Grande County.

That two standard reflectorized cross-buck signs be installed in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That the work to be done, manner of payment, and construction shall be as indicated in the above Statement, Exhibits Nos. 1, 2, 3, 4 and 5; all of which, by reference, are made a part hereof.

That continuing maintenance of the crossing and protection devices will be by the Railroad Company, with maintenance of the roadway and approach grades by the City of Monte Vista, or its agent.

That the selection, installation and maintenance of "STOP" signs or other regulatory traffic signing at the highway intersection is to be in accordance with the recommendations and specifications of the Colorado Department of Highways.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. Heasley
Raymond C. Horton
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF CHICAGO, BURLINGTON)
& QUINCY RAILROAD COMPANY'S DIS-)
MANTLING AND ABANDONING SPUR TRACK)
AT SHERWIN, LOGAN COUNTY, COLORADO,)
AND REMOVING NON-AGENCY STATION AT)
SAID PLACE FROM STATION LIST.)
-----)

APPLICATION NO. 13294

March 24, 1955

S T A T E M E N T

By the Commission:

Pursuant to the Rules and Regulations of this Commission Pertaining to Railroads and Express Companies Operating in the State of Colorado; Chicago, Burlington & Quincy Railroad Company, by J. C. Street, its General Attorney, did, on February 23, 1955, file its petition requesting authority to abandon and remove a spur track known as "Sherwin" in Logan County, Colorado, said abandonment to be effective within thirty days, or on March 25, 1955.

Sherwin is located at Mile Post 108.90 on applicant's Brush to Alliance line, being also some six miles northeasterly from Sterling, Colorado.

According to the instant application, Sherwin has been only a non-agency station for the shipment and receipt of carload freight. No railroad business has been done at the station in more than three years, and there are now no indications of a future need for the track. Applicant desires to remove the non-agency station from the Open and Prepay Station List; to remove and salvage the non-perishable track materials for more advantageous use elsewhere, thereby eliminating maintenance expense, since the track is not needed for railroad operations.

Upon investigation of this matter by the Commission, and with reference to the white-print map as attached to the instant application,

it is noted that the Sherwin trackage is some 443 feet in length, providing a track to accommodate five cars. Other investigation reveals the following facilities as noted near Sherwin:

<u>Mile Post</u>	<u>Station</u>	<u>Trackage</u>	<u>Capacity</u>
115.12	Sterling	Switching yards & terminal	600 cars
111.43	Ackerman	Stock Yards & Siding	62 "
108.90	Sherwin	Spur Track	5 "
105.41	Jessica	Beet Siding	50 "
104.33	Padroni	Siding and Yard	92 "

Principal occupation in the area is livestock feeding, sugar beet raising, some dry land farming, and a recent oil field activity.

There are no additional facilities at Sherwin -- no buildings, no stockyard, no unloading platform. Long disuse has permitted the access roadway to become all but non-existent.

Other investigation has revealed that extensive reconstruction and maintenance work is currently under way on the County road adjacent to the rail line and extending between the previously described rail stations. Well maintained entrance roadways are also available to each of the stations.

It appears in this matter that there are ample rail facilities to meet the public needs of the region, and the past long period of disuse can therefore leave no justification for the continued maintenance of this trackage.

As a matter of public information, a notice of the proposed track removal was posted in a conspicuous location at Sherwin on February 15, 1955, wherein it was indicated that any protests to the proposal should be forwarded to the Commission.

No protests having been submitted and none appearing in the files of this matter, the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity in this area can and is being adequately served by other existing stations and track facilities.

That safe and economical railroad operation does not require a spur track at Sherwin, Colorado.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

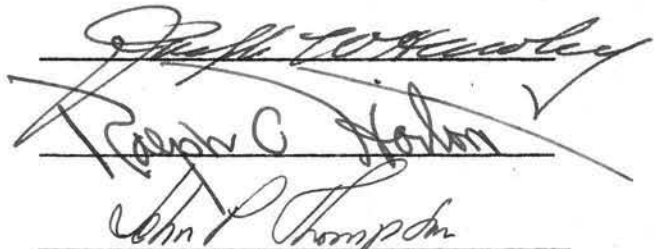
That the above Statement and Findings be made a part hereof.

That the Chicago, Burlington & Quincy Railroad Company be, and it hereby is, authorized to discontinue the non-agency station of Sherwin, Colorado, and to remove said non-agency station from the Open and Prepay Station List, on notice to this Commission and the general public by not less than one day's filing and posting of new schedules in the manner prescribed in Section 16 of the Public Utilities Act of the State of Colorado.

That authority is hereby granted to Chicago, Burlington & Quincy Railroad Company to dismantle, abandon, and take up the spur track at Mile Post 108.90, located at Sherwin, Logan County, Colorado; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That this Order shall become effective March 25, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES F. GILBERT, 364 SHERMAN) PERMIT NO. B-4368
STREET, DENVER 3, COLORADO.)

March 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-4368 be suspended for six months from March 22, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Charles F. Gilbert be, and his is hereby, authorized to suspend his operations under Permit No. B4368 until September 22, 1955.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated At Denver, Colorado,
this 25th day of March, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PACKAGE DELIVERY SERVICE CO., 2127)
ARAPAHOE STREET, DENVER 2, COLORADO,) APPLICATION NO. 13097-Extension
FOR AN EXTENSION OF PUC NO. 572.)
- - - - -)

- - - - -
March 24, 1955
- - - - -

Appearances: Clarence W. Button, Esq.,
Denver, Colorado, for
applicant;
Edward B. Thomas, Idaho Springs,
Colorado, for Clear Creek
Transportation Company;
John Bokan, Golden, Colorado, for
Westway Motor Freight;
Norman Blake, Blackhawk, Colorado,
for Gilpin County Freight Line;
E. B. Evans, Esq., Denver, Colorado,
for Clear Creek Transportation
Company, Gilpin County Freight
Line, and Westway Motor Freight.

S T A T E M E N T

By the Commission:

On August 17, 1954, applicant herein filed an application for extension of Certificate of Public Convenience and Necessity No. 56, authorizing the transportation of furniture, household furnishings and appliances from retail stores in the City and County of Denver to any point within a thirty-mile radius of said City and County of Denver.

The matter was regularly set for hearing on October 14, 1954, at 330 State Office Building, Denver, Colorado, and was continued to November 15, 1954. At the conclusion of the evidence, and after hearing the arguments, the matter was taken under advisement by the Commission.

Lynn Johnson, Vice-President of Package Delivery Service, stated said company is now the owner and holder of Certificate of Public Convenience and Necessity No. 56, presently serving some eight or ten of the large retail stores in Denver, making deliveries for said stores in Denver and the Denver Metropolitan Area. The witness stated they have had requests from these stores to increase their delivery area to

thirty miles, and further, to have their restriction of 100 pounds removed on furniture, household furnishings and appliances. He testified that his customers are demanding said service and are making repeated requests for this service.

In support of the application, E. E. Anderson, Traffic Manager of Montgomery Ward & Company, Allen Longstaff, Traffic Manager for the Denver Dry Goods Company, and other witnesses representing the large department stores in Denver, testified that under present conditions it is necessary, after sale is made in their stores, to make deliveries to all areas included within a thirty-mile radius of the City and County of Denver. This service, they contend, is a "must" in their business, and is definitely needed by them to meet their competition. It appears that Package Delivery Service is now making their deliveries in Denver and the Denver Metropolitan Area, and that they need and desire an extended service, including a thirty-mile radius of Denver.

Three witnesses testified as protestants. John Bokan, President of Westway Motor Freight, who operates Certificate No. 701, stated he serves in the territory west of Denver, with headquarters in Golden; that he is presently delivering shipments for Montgomery Ward & Company, Sears, Roebuck & Company, Denver Dry Goods Company, Joslin's, and the May Company; that if said extension is granted to applicant's certificate, it will overlap his base territory. He further testified that he is operating under tariffs and the rules and regulations of the Commission; that if said certificate is granted to applicant company, with its proposed tariffs as asked for in the application, it becomes unfair competition, as the rates submitted and the service offered are not in conformity with his rates as a common carrier, making it impossible for him to compete with said extension for the reason that applicant does not offer a general service to the public.

Edward B. Thomas, who operates the Clear Creek Transportation Company, objected to this service entering the Idaho Springs territory, and Norman Blake, who operates the Gilpin County Freight Line, and Melvin A. Chance, Manager of the Boulder Truck Line, all vigorously

protested the infringement on their certificated territory, and all witnesses contended that they could not competitively meet the service proposed by applicant for the reason that applicant is not offering a general service to the entire public.

The Commission has had this matter under consideration for about two months. Briefs and written arguments have been submitted and studied by the Commission. We find ourselves faced with the problem wherein five or six of our large department stores are requesting an extended delivery service in the thirty-mile radius surrounding Denver. Applicant herein is asking for a certificate of public convenience and necessity for extended deliveries of furniture, household furnishings, and appliances, and by the evidence submitted is confining itself to the larger department stores of Denver. The evidence clearly indicates, and the Commission is convinced, that a delivery service is needed by the stores represented at the hearing as it is necessary for them to make deliveries of their goods to their customers because the public now demands such delivery service. The service offered by applicant is in the nature of a specialized service, serving only a few customers, and it might be said it is also in the nature of a personalized service.

In considering this matter, we must bear in mind that the proposed service of applicant does not offer service to the general public, and we think it would be correct to state that the service offered is to a few of one class of customers. In Colorado, the legislature provided for this contingency, in our judgment, when it passed the Private Carrier Act. In fact, after a careful review and analysis of the record, it appears to the Commission that the authority needed to take care of the service of these department stores in their deliveries is that of a private carrier.

Other problems arose at the hearing which we do not need to discuss for the reason that, in our judgment, applicant failed to show that public convenience and necessity require the granting of the extension sought in the application before us.

F I N D I N G S

THE COMMISSION FINDS:

That applicant has failed to prove that the service proposed is the service of a common carrier. Rather, it is our judgment that the service proposed -- as disclosed by the evidence -- is in the nature of a private carrier operation, as the evidence clearly shows that the service will not be used by the general public and is confined to a few of the larger department stores of Denver.


The Commission further finds that the granting of this application for a certificate of public convenience and necessity to include a thirty-mile radius of Denver under applicant's present plan of operation, would cause discriminatory rates, and would not be in the public interest.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT C. SWEETSER, 1175 WEST)
GILL PLACE, DENVER 19, COLORADO.)

PERMIT NO. B-4391

March 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4391 be suspended for six months from March 23, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

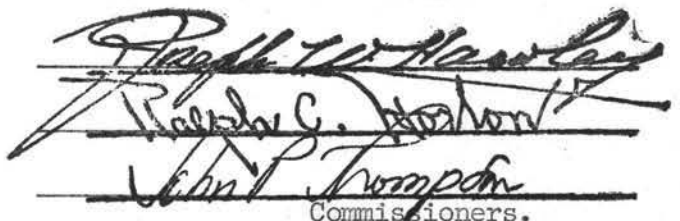
O R D E R

THE COMMISSION ORDERS:

That Robert C. Sweetser, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4391 until September 23, 1955.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL AKES, 935 SO. TENNYSON,)
DENVER 19, COLORADO.)

PERMIT NO. B-2344

March 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-2344 be suspended for six months from March 18, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

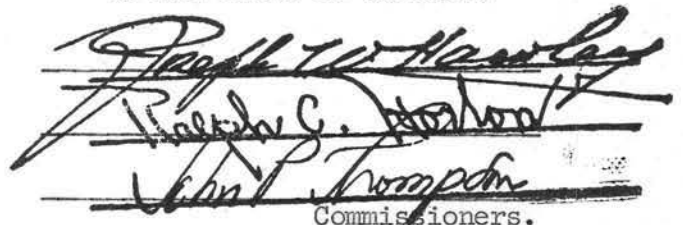
O R D E R

THE COMMISSION ORDERS:

That Carl Akes, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2344 until September 18, 1955.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL AKES, 935 SO. TENNYSON,)
DENVER 19, COLORADO.)

PUC NO. 2859-I

March 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 2859-I be suspended for six months from March 18, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Carl Akes, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 2859-I until September 18, 1955.

That unless said certificate-holder 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 25th day of March, 1955.

mls

original

(Decision No. 44117)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOME LIGHT AND POWER COMPANY, 810 -)
9TH STREET, GREELEY, COLORADO, FOR)
AN ORDER AUTHORIZING CERTAIN PRO-)
POSED CHANGES IN ITS ELECTRIC RATES,)
CLASSIFICATIONS, RULES AND REGULA-)
TIONS.)

APPLICATION NO. 13307

March 24, 1955

Appearances: Kelly and Clayton, Esqs., Greeley,
Colorado, by John Clayton, Esq.,
and
Ralph Sargent, Jr., Esq., Denver,
Colorado, for Applicant;
Charles A. Karowsky, Esq., Greeley,
Colorado, for the City of
Greeley, Colorado;
Thomas A. Richardson, Esq., Greeley,
Colorado, for the Town of Evans,
Colorado;
Barnard Houtchens, Esq., Greeley,
Colorado, for the Town of LaSalle,
Colorado;
Ralph E. Waldo, Esq., Greeley, Colo-
rado, for the Town of Nunn, Colo-
rado;
A. L. Mueller, Esq., Denver, Colo-
rado, and
Joseph M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

By the application filed in this matter on March 10, 1955, by
Home Light and Power Company, hereinafter referred to as Applicant,
Applicant requests an order of this Commission authorizing certain pro-
posed changes in Applicant's electric rates, classifications, rules and
regulations. The proposed changes in Applicant's rates are designed to
reflect the annual increase in gross revenue for the 12 months ended
July 31, 1954 prescribed by this Commission in its Decision No. 43938,
dated January 27, 1955, in Application No. 12893, and, in addition, an

amount equivalent to the increase in the cost of electric energy purchased by Applicant pursuant to increased wholesale rates and charges of its supplier, Public Service Company of Colorado, which became effective February 1, 1955.

After due notice to all interested parties, the matter was set for hearing and heard on March 22, 1955, in the District Court Room, Greeley, Colorado. At said hearing, evidence was heard on behalf of Applicant and an opportunity was given to those who appeared at the hearing for full cross-examination. At the conclusion of the hearing, the Commission took the matter under advisement. No protests were filed in this matter and no evidence was introduced at the hearing in opposition to the new schedules proposed by Applicant.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado and is a public utility operating company subject to the jurisdiction of this Commission, engaged in the purchase, transmission, distribution and sale of electric energy in Weld County, Colorado. Applicant supplies electric service at retail for residential, commercial, power and other uses under its schedules of standard electric rates, classifications, rules and regulations on file with this Commission in 11 cities and towns and in 7 other communities in addition to outlying rural territories in its service area in Weld County, Colorado. The incorporated cities and towns in which the Applicant supplies electric service are: Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Kersey, LaSalle, Nunn, Pierce, and Rosedale. The unincorporated towns and communities in which the Applicant supplies electric service are: Barnsville, Briggsdale, Farmers Spur, Galeton, Gill, Lucerne, and Peckham.

A certified copy of Applicant's Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

On May 10, 1954, Home Light and Power Company, Applicant herein, filed its application with this Commission in Application No. 12893 by

which application Applicant sought a determination by the Commission for rate-making purposes of the reasonable value of Applicant's properties presently devoted to public use, the fair rate of return thereon, and the gross revenues to which it may be entitled. The Commission, after notice to all interested parties, and after full and extensive hearings, on January 27, 1955, by its Decision No. 43938, in Application No. 12893, determined the reasonable value as of July 31, 1954 of the electric properties of Applicant devoted to public service within the State, the fair rate of return thereon, and the gross revenue to which Applicant is entitled. By this decision and order, the Commission made its findings that Applicant requires an increase in its gross operating revenues for the 12 month period ended July 31, 1954, of \$102,851 to enable the Company to realize a return of 6.32% on the reasonable value of its property devoted to public service at July 31, 1954, as determined by this Commission in said decision.

In addition, subsequent to the conclusion of the hearings before this Commission, in Application No. 12893 and on January 27, 1955, by Decision No. 43941, in Application No. 13234, this Commission authorized and approved certain changes in the electric rates and charges of Public Service Company of Colorado, from which company Applicant purchases its entire supply of electric energy for distribution and sale, including an increase in the wholesale rates and charges for electric energy supplied by Public Service Company of Colorado to Applicant. Said increase in such rates and charges for electric energy purchased by Applicant from Public Service Company of Colorado became effective pursuant to said decision and order of this Commission on February 1, 1955.

Testimony presented by Applicant at the hearing in this matter disclosed that, if said increased rates and charges which became effective February 1, 1955 for wholesale electric energy purchased by Applicant from Public Service Company of Colorado had been in effect for the 12 month period ended July 31, 1954, Applicant's total cost of Electric Energy Purchased for said period would have exceeded by the amount of \$23,568 the

amount allowed by this Commission as an Operating Revenue Deduction for the item Electric Energy Purchased in its said Decision No. 43938, in Application No. 12893. Applicant cannot absorb any increased cost of electric energy purchased and earn the rate of return on the reasonable value of its property devoted to public use determined by this Commission in said decision and order.

Exhibit C, introduced at the hearing, is an Agreement dated September 19, 1950 by and between Public Service Company of Colorado and Applicant. Exhibit D, introduced at the hearing, is a Modification Agreement dated June 2, 1952 between said companies, modifying the original agreement of September 19, 1950. Exhibits C and D set forth the basic terms and conditions pursuant to which power is purchased by Applicant from Public Service Company of Colorado. Section IV of the Modification Agreement, shown on page 3 of Exhibit D, sets forth the rates and charges for such electric energy purchased, which rates and charges were in effect prior to February 1, 1955 and were the rates and charges in effect during the 12 months ended July 31, 1954.

Exhibit E, introduced at the hearing, is Original Sheet No. 183 and Original Sheet No. 183-A of Public Service Company of Colorado Tariff, Colo. P.U.C. No. 4 - Electric, and sets forth the wholesale rates and charges applicable to all electric energy purchased by Applicant from Public Service Company of Colorado which became effective February 1, 1955.

The electric rate schedules which Applicant proposes to put into effect by the instant matter are designed to produce, as nearly as possible, \$126,419 of additional gross revenue to Applicant for the 12 months ended July 31, 1954, \$102,851 of said amount representing the amount of additional gross revenue authorized by this Commission in its decision and order in Application No. 12893 and the remaining \$23,568 of said amount representing the amount of Applicant's increased cost of electric energy purchased for said period pursuant to the increased wholesale rates and charges of Public Service Company of Colorado as hereinabove described.

The proposed schedules of electric rates, classifications, rules

and regulations which Applicant desires to put into effect will be published in Applicant's Tariff to be officially designated as "Home Light and Power Company, Colo. P.U.C..No. 10." Said proposed schedules were attached to the application filed by Applicant and were introduced in this matter, marked Exhibit A and by reference are made a part hereof. Said proposed schedules will cancel and supersede the present schedules of electric rates, classifications, rules and regulations published in Applicant's present tariff, Home Light and Power Company, Colo. P.U.C. No. 9 introduced at the hearing in this matter marked Exhibit B and by reference made a part hereof.

In general, the objectives sought to be accomplished by Applicant in developing the proposed rate structure were to adjust the level of rates to produce an amount equivalent to the increase in gross revenues allowed by the Commission in its decision and order in Application No. 12893 and the increased cost of electric energy purchased, and in addition to simplify the rate structure by eliminating certain schedules and consolidating schedules wherever possible. An attempt was made to simplify rate language and to develop rate forms more readily understandable and more suitable both as to administration of rates and as to contents of the Rules and Regulations applicable thereto. Factors taken into consideration by Applicant in the determination of the proposed rate schedules included the history of Applicant's rates and its existing rate structure, the nature of the territory and the composition of the load served, value of service and cost of service, competition, civic responsibility, cost of administration, and comparison of the proposed rates to electric rates of other areas.

Applicant employed the Middle West Service Company of Chicago, an independent organization furnishing consulting service to the utility industry in all phases of operation and particularly in the fields of accounting, financing, engineering and rates, to assist Applicant in its review of its over-all rate structure, the design of the proposed rates, and to assist Applicant in computing the revenues resulting from appli-

cation of the proposed rates.

Sheets No. 8 and 9 of Exhibit A set forth the proposed new schedule of Applicant applicable to Urban Residential Service. Heretofore Applicant has had available two schedules of rates applicable to Urban Residential Service, one applicable to single residence service and the other applicable to multi-family dwellings or apartment house service where served by a single meter. The proposed new schedule applicable to Urban Residential Service will be available to both single dwellings and multiple dwelling units where served by a single meter. Said schedule will be available within the corporate limits of all incorporated cities and towns. The proposed rate under this schedule contains a floating block applicable to uncontrolled water heating service in a single dwelling unit. After the third rate block 300 Kwh has been added at a reduced rate for water heating service. Water heating for multiple dwelling units is to be controlled, metered separately, and billed on the Controlled Water Heating Rate, Sheets No. 27 and 28 of the proposed tariff. Provision for multiple family dwellings is set forth in the proposed rate in much the same manner as was provided by the present schedule applicable to apartment house service.

Sheets No. 10 and 11 of Exhibit A set forth the proposed new schedule of Applicant applicable to Rural Residential Service. This proposed schedule will cancel and supersede two schedules which have been applicable to Rural Residential Service in the past. One of these schedules was used primarily for customers of low usage, and the other was an optional rate for customers with high usage. The proposed schedule combines features of both of the old schedules. In addition, the rate blocks have been modified so that the rate is applicable to both classes of usage under the present schedules. The proposed schedule also contains the same features generally with respect to water heating service and multiple family dwellings as hereinabove described with respect to the proposed schedule for Urban Residential Service.

The proposed schedule for Rural Residential Service will be available in rural territory and unincorporated towns.

Sheets No. 20 and 21 of Exhibit A set forth the proposed schedules of Applicant for Commercial Lighting Service. This proposed schedule will cancel and supersede three separate schedules heretofore applicable to Commercial Lighting Service. The proposed schedule will eliminate the necessity of counting load on the customer's premises. The demand charge is \$2.00 per Kw for all demand in excess of 3 Kw. The energy charge begins at 5¢ per Kwh and reduces through the steps to 1.25¢ per Kwh. It will be unnecessary for the Applicant to install demand type meters on customers with small connected loads. When a customer's usage exceeds 1,000 Kwh per month for two consecutive months, Applicant will then install the demand type meter to determine whether the demand exceeds 3 Kw. The proposed schedule for Commercial Lighting Service will be available in all territory served by Applicant.

Sheets No. 31 and 32 of Exhibit A set forth the proposed schedule of Applicant for General Secondary Power Service. The present schedule of Applicant applicable to General Secondary Power Service necessitated the counting of load on the customer's premises. The billing demand was determined by actually counting the number of motors and devices on the customer's premises and the billing demand in horsepower was calculated from these figures. The proposed schedule has converted the rate from horsepower to Kw and this then makes it possible to use measured demand. Demand metering will be used under the proposed schedule for all loads larger than 20 Hp. For small loads up to 20 Hp the billing demand will be determined on a connected load basis. The prices of the rate blocks in the proposed schedule are about the same as in the present schedule applicable to General Secondary Power Service, except that the energy charge applicable to the bottom step has been increased from 1¢ to 1.25¢. The rate blocks have been modified in the conversion from horsepower to Kw and the next to the last rate block has been increased.

Sheets No. 33, 34, and 35 of Exhibit A set forth the proposed schedule of Applicant for Irrigation Power Service. The present Irrigation Power Service schedule provides for a Wright demand type rate beginning at 4.5¢ per Kwh and reducing through the steps to 1¢ per Kwh on a seasonal basis. The present Summer Season for irrigation power is from March 1 to November 1. Under the proposed schedule for Irrigation Power Service, there will be a contract horsepower charge of \$7.00 per Hp for the Summer Season and an energy charge of 1.25¢ per Kwh for all energy used during the season. The Summer Season has been modified to include the period from March 1 to November 15. The proposed schedule also provides for a Winter Season rate with a contract charge of \$1.10 per Hp per season, which includes the use of 10 Kwh per Hp, and an energy charge of 3¢ per Kwh for all usage over 10 Kwh per Hp.

Sheets No. 42 and 43 of Exhibit A set forth the proposed schedule of Applicant for Industrial Power Service. The rate set forth in the proposed schedule is quite similar to the present industrial power rate. The demand charge on the present schedule is \$1.50 per Kw of all Kw of demand. The demand charge under the proposed schedule will be \$1.60 per Kw for the first 250 Kw of demand and \$1.45 per Kw for all additional Kw of demand. The bottom step of the present schedule is 5 mills. The bottom step of the proposed schedule is 6.5 mills. In addition, the second block of the proposed rate was raised 0.5 mill per Kwh. The monthly minimum of the proposed schedule is raised from \$200.00 to \$210.00 per month.

Sheets No. 44 through 50, inclusive, of Exhibit A set forth the proposed schedules of the Applicant for municipal service, including Municipal Water Pumping Service, Municipal Street Lighting Service, and Traffic Signal Lighting Service. The only change proposed for Municipal Water Pumping Service is the addition of a fuel adjustment clause. As to Municipal Street Lighting Service, certain minor adjustments were made for the relative costs of certain size lamps, which adjustments resulted in a very slight increase for Municipal Street Light-

ing Service. The proposed Traffic Signal Lighting rate has been modified in order to recognize the use of some continuous operating devices such as radios which may be used with traffic signals.

Sheets No. 12 and 13 of Exhibit A set forth a proposed schedule for School Lighting Service. Sheets No. 29 and 30 set forth proposed schedules for Large and Small Commercial Cooking and Heating Service. Sheets No. 27 and 28 set forth a Controlled Water Heating Service rate applicable to residential or commercial water heating with automatic storage type heaters.

Sheets No. R-1 through R-32 of Exhibit A set forth the proposed Rules and Regulations, terms and conditions under which Applicant renders electric service. These Rules and Regulations cover the same general scope as did the Rules and Regulations contained in Applicant's present tariff. An attempt, however, has been made to clarify the text and to make more complete the information contained therein.

Sheets No. R-35 through R-41 set forth Applicant's proposed Service Connection and Line Extension Policy. The scope of this policy is the same as that of the policy filed in Applicant's present tariff. The policy has, however, been re-stated for clarification and to include certain subjects not included in Applicant's present extension policy.

Certain of the proposed schedules of Applicant contain a fuel adjustment clause applicable to electric energy delivered under such schedules. Applicant's purchases of electric energy from Public Service Company of Colorado are subject to a fuel cost adjustment which provides for an increase or decrease in the cost of energy purchased dependent upon the cost of fuel used in the generation of such power. Under Applicant's present tariff, Applicant has passed along only a minor part of this fuel cost adjustment by the application of a fuel adjustment clause just to its industrial power schedule. The proposed schedules of Applicant to which a fuel cost adjustment will be applicable are the School Lighting Service schedule, the General Secondary Power Service schedule,

the Irrigation Power Service schedule, the Industrial Power Service schedule, and the Municipal Water Pumping Service schedule. The fuel adjustment clause will apply to all sales of electric energy delivered under such schedules, except that the clause will only apply to electric energy delivered at 1.25¢ per Kwh under the General Secondary Power Service schedule and will apply only to energy used during the Summer Season under the Irrigation Power Service schedule. The fuel adjustment clause which Applicant proposes to apply to said schedules provides for an increase or decrease, as the case may be, of \$0.000165 per Kwh for each 1¢ variation in the cost of fuel above 21¢ per million b.t.u. or below 17¢ per million b.t.u. designed to pass on to the individual customers affected, their pro-rata share of the increased or decreased cost of electric energy purchased. The average cost of fuel will be taken to the nearest cent and will be calculated on the fuel cost for the 12 month period ending with the preceding calendar month. The Commission is not at this time required to decide, nor does it decide, the merits of fuel cost and other escalator clauses in tariffs of general application. The instant decision as to that subject is limited to a finding that in all the facts and circumstances of the present case, the particular provisions here considered are not unreasonably arbitrary, or discriminatory.

Exhibits F, H, J, K, L, M and O introduced by Applicant at the hearing in this matter show a comparison of monthly bills at present and proposed rates for Urban Residential Service, Rural Residential Service, Commercial Lighting Service, General Secondary Power Service, Irrigation Power Service and Industrial Power Service.

Exhibits G, I, and N show a graphic comparison, plotting the relationship between the cost per Kwh and the monthly Kwh usage of Applicant's proposed Urban Residential Service rate, Rural Residential Service rate, and Irrigation Power Service rate with the respective rates for similar service in other areas.

Exhibit P introduced at the hearing by Applicant shows by major service classifications the estimated increases in revenues under the proposed new rates as follows: Residential 8.70%, Commercial 5.06%, Power 6.15%, Municipal 1.35%, total 7.09%.

The Commission has carefully reviewed the proposed changes in Applicant's electric rates, classifications, rules and regulations set forth in Exhibit A and the evidence introduced at the hearing in this matter. There is no evidence in the record before us that the changes proposed by Applicant will result in any unreasonable difference in any respect, either between localities or as between any class of service. We believe that, within reason, management should have the authority to exercise its judgment in establishing the level of rates, unless it is shown that in doing so it has abused its prerogative. The Staff of the Commission has carefully examined the changes proposed by Applicant and has testified in this proceeding in support of the proposed schedules. It is the considered opinion of this Commission that the proposed electric rates, classifications, rules and regulations are just and reasonable, non-discriminatory and non-preferential and should be permitted to be filed and to become effective as hereinafter ordered.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Home Light and Power Company and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

That the proposed schedules of electric rates, classifications, rules and regulations set forth in Exhibit A, by reference, made a part hereof, designated as "Home Light and Power Company, Colo. P.U.C. No. 10" are just and reasonable, non-discriminatory, and non-preferential, and should be permitted to be filed and become effective as hereinafter ordered.

O R D E R

THE COMMISSION ORDERS:

That the proposed schedules of electric rates, classifications, rules and regulations set forth in Exhibit A, by reference made a part hereof, designated as "Home Light and Power Company, Colo. P.U.C. No. 10" are, and are hereby declared to be, just, reasonable, non-discriminatory and non-preferential, and said proposed schedules of rates, classifications, rules and regulations are permitted to be filed subsequent to the effective date hereof, to become effective on not less than one (1) day's notice with meter readings beginning April 1, 1955.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE NEW SEVEN FALLS COMPANY, INC.,)
SOUTH CHEYENNE CANYON, COLORADO)
SPRINGS, COLORADO, FOR AUTHORITY TO)
LEASE CERTIFICATE NUMBER PUC-166 TO)
E. F. ROWLETT AND MAYNARD T. BINKERD,)
DOING BUSINESS AS "R. & P. SCENIC)
TOURS," 120 EAST PIKES PEAK AVENUE,)
COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 13316-Lease

March 25, 1955

S T A T E M E N T

By the Commission:

On May 28, 1928, The Seven Falls Company, a Colorado corporation, was granted a certificate of public convenience and necessity by Decision No. 1789, authorizing the transportation of:

passengers from Seven Falls, Stratton Park,
Colorado, to the various scenic attractions
in the Pikes Peak Region,

with the proviso that all service under Certificate No. 166, issued under said Decision should be limited to round-trip operations originating and terminating at Seven Falls, Stratton Park, Colorado, and in furnishing said service The Seven Falls Company should be limited to the use of three automobiles.

The New Seven Falls Company, Inc., is the successor in interest to The Seven Falls Company.

For a number of years, said operating rights were leased by The Seven Falls Company to Conway Brothers, doing business as "Alamo Hotel-Monarch Service."

By Decision No. 30729, of date June 21, 1948, said operating rights were leased to Walter H. Colburn, Colorado Springs, Colorado, for the term of five years from May 1, 1948, at an annual rental of \$150.00, and, by Decision No. 40707, of date June 5, 1953, said operating rights were leased to William W. Brubaker, Colorado Springs, Colorado for a term

beginning May 1, 1953 and ending April 30, 1954.

By Decision No. 42693, of date May 24, 1954, said operating rights were leased to E. F. Rowlett and Maynard T. Binkerd, doing business as "R. & P. Scenic Tours," Colorado Springs, Colorado, for a period of one year from April 1, 1954 to April 1, 1955, for a rental of \$200.00.

By the instant application, The New Seven Falls Company, Inc., seeks authority to lease said operating rights for the period of one year, from April 1, 1955 to April 1, 1956, to E. F. Rowlett and Maynard T. Binkerd, doing business as "R. & P. Scenic Tours," Colorado Springs, Colorado, for a rental of \$200.00 for the year, payment to be made within ten days after approval of the Lease Agreement by this Commission, lessees agreeing to carry on said operations in accordance with and subject to the law and the rules and regulations of the Commission. It is also agreed therein that all highway compensation tax will be promptly paid during the period of said lease.

It appears that lessees own PUC-969, authorizing the use of three cars in sightseeing service, and expect to operate the three additional cars of lessor, making a total of six cars to be operated during the current sightseeing season. A satisfactory financial statement of lessees is on file under their PUC-696.

Examination of the files of the Commission disclose that said PUC-166 is in good standing; that all reports of operations thereunder have been filed with the Commission, and there is no unpaid passenger-mile tax.

F I N D I N G S

THE COMMISSION FINDS:

That E. F. Rowlett and Maynard T. Binkerd, doing business as "R. & P. Scenic Tours," Colorado Springs, Colorado, pecuniarily and otherwise, are qualified and able to carry on the operation; that said certificate is in good standing; that the leasing of the operating rights under said PUC-166 by The New Seven Falls Company, Inc., to said

lessees is consistent with the public interest, and that the Lease Agreement should be approved.

O R D E R

THE COMMISSION ORDERS:

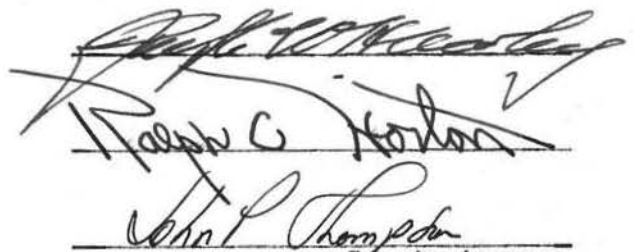
That The New Seven Falls Company, Inc., be, and hereby is, authorized to lease to E. F. Rowlett and Maynard T. Binkerd, doing business as "R. & P. Scenic Tours," Colorado Springs, Colorado, its operating rights under Certificate of Public Convenience and Necessity No. 166, upon the terms and for the consideration set forth in said Lease Agreement, which, by reference, is made a part hereof, the operations of said lessees to be conducted in accordance with and subject to the laws of the State of Colorado and the rules and regulations of the Commission, and within the authority granted by Decision No. 1789, subject to the conditions and restrictions therein contained, as set forth in the preceding Statement, which, by reference, is made a part hereof.

The tariff of rates, rules, and regulations of lessor shall, upon proper adoption notice, become and remain those of lessees until changed according to law and the rules and regulations of this Commission.

The right of lessees to operate under this Order shall depend upon the prior filing by lessor of delinquent reports, if any, covering operations under said certificate up to the time of lease of said certificate.

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 March, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GREELEY GAS COMPANY, 1930 SHERMAN)
STREET, DENVER, COLORADO, FOR AN)
ORDER AUTHORIZING IT TO PUT INTO)
EFFECT A TEMPORARY GAS RATE ADJUST-)
MENT.)
-----)

APPLICATION NO. 13237
SUPPLEMENTAL ORDER

March 28, 1955

Appearances: Ralph Sargent, Jr., Esq.,
Denver, Colorado, for
applicant;
A. L. Mueller, Esq., Denver,
Colorado, and
J. M. McNulty, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

The applicant purchases from Colorado-Wyoming Gas Company, an interstate natural gas company subject to the jurisdiction of the Federal Power Commission, all of the gas which applicant distributes to its customers. Colorado-Wyoming Gas Company in turn purchases its gas from Colorado Interstate Gas Company, which is also an interstate natural gas company, subject to the jurisdiction of the Federal Power Commission. As a result of increases in the price of gas purchased by Colorado-Wyoming, Colorado-Wyoming, under the provisions of the Natural Gas Act filed with the Federal Power Commission in Docket G-2720 an increase in gas rates to be charged applicant, effective February 1, 1955, to a commodity charge of 21.5¢ per MCF and a demand charge of \$2.38 per MCF of demand.

Applicant in the within matter applied to this Commission for permission to increase its rates correspondingly by the filing of certain temporary riders to its tariff, Colorado PUC No. 4. On January 28, 1955, this Commission granted applicant permission to

file the said temporary riders and it thereupon filed Original Sheet No. 18 to its tariff (Colorado Tariff PUC No. 4), adding the increment of increase to the rates which it charges to its residential and commercial customers and to one customer to whom it sells industrial gas on a non-interruptible basis. Applicant also at that time filed its Original Sheet No. 19 to the same tariff affecting interruptible industrial customers only.

The Commission retained jurisdiction of the entire proceedings as to the applicant to make such further order or orders as it deemed necessary in the premises.

On March 14, 1955, the Federal Power Commission issued an order in its Docket No. G-2720, permitting applicant's supplier, Colorado-Wyoming, to file new tariffs reducing its demand charge from \$2.38 to \$1.90 per MCF, retroactive to February 1, 1955. No change was made in the commodity charge, which remains at 21.5¢ per MCF. As a result of this order, applicant will receive a refund from its supplier for the period of time that the former higher rate was in effect. It is the purpose of this order to authorize and direct the applicant to pass along to its customers the full benefit of this retroactive rate reduction. The customers served pursuant to applicant's Original Sheet No. 19 being interruptible customers, are not charged any demand charge and are, therefore, not affected in any respect by the said order of the Federal Power Commission.

On March 22, 1955, applicant requested leave of this Commission for authority to file on less than statutory notice a new temporary rider, being First Revised Sheet No. 18 to its Colorado Tariff PUC No. 4 reducing its charge for gas to the customers affected by that Sheet, to give them the full benefit of the reduction in its own cost of gas, resulting from the said Federal Power Commission order. On the same date, this Commission granted permission to the applicant to file said Revised Tariff to become effective with all gas sold on or after April 1, 1955.

Turning then to the residential and commercial customers and the one firm industrial customer whose rates are listed on Original Sheet No. 18, we consider the manner in which the refund for the period February 1, 1955 through March 31, 1955, should be made.

The Commission has in mind that in making the refund of what amounts to an overcharge from February 1, 1955 through March 31, 1955, the applicant will credit on its next bill any overage which it has actually collected from its customers, and will also make the rate reduction retroactive to the beginning of the present billing period for each customer when it sends out its next bills. The next bill sent to each customer affected will, therefore, be at the reduced rate set forth in applicant's Revised Sheet No. 18 and will carry on the bill a credit item reducing the bill by the amount of the overage applicant has collected from its customer as a result of its previous billings to that customer. In no event, however, shall the higher charge listed on the Original Sheet No. 18 be collected as to any gas sold after April 1, 1955.

In light of all the facts and circumstances of this particular refund, the applicant has stated that it will make the refund to its customers entirely at its own expense. The Commission has, therefore, not been required to make and has not made any determination that refund at the entire expense of the Company should be ordered in this or in any future case, but has reserved decision on this question to a time when the circumstances will require such decision to be made on the facts and circumstances presented at that time. The order contained herein that the applicant shall make such refund entirely at its own expense rests entirely upon the expressed willingness of the applicant so to do.

The order of the Federal Power Commission issued March 14, 1955, in Docket No. G-2720, contains certain provisions, one of which is quoted below:

"(i) If Colorado Interstate Gas Company is required by any final order or orders of the Commission in Docket Nos. G-2260 and G-2576, which become final with or without court review, or otherwise, to refund to Colorado-Wyoming any part or all of the increases in rates and charges collected under the undertakings

by Colorado Interstate in said Docket Nos. G-2260 and G-2576, Colorado-Wyoming shall, in turn, make appropriate refunds to its customers under its G-1 Rate Schedule on a basis to be approved by the Commission consistent with the procedures used to establish the level of Colorado-Wyoming's interim rates in Docket No. G-2261 by order issued January 4, 1954, and in this docket by this order."

In view of the above order and other provisions of the order of the Federal Power Commission not enumerated herein, we shall retain jurisdiction of the instant matter to make such further order, or orders, as may be necessary in the premises.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has retained continuing jurisdiction of this matter as per our order of January 28, 1955.

That the Commission is fully advised in the premises.

That authority should be granted to the Greeley Gas Company to refund its residential and commercial customers the money that it will have collected as a result of its temporary rider, being Original Sheet No. 18 of its Colorado Tariff PUC No. 4, over and above the amount it would have collected had First Revised Sheet No. 18 of Colorado Tariff PUC No. 4 been in effect for the period of February 1, 1955 to April 1, 1955.

That said refund should be made by a credit to each customer's bill.

That said refund should be made to all those customers who were billed under Original Sheet No. 18 of applicant's Tariff Colorado PUC No. 4.

That the cost for the refund should be borne by Greeley Gas Company.

O R D E R

THE COMMISSION ORDERS:

That Greeley Gas Company refund to its residential and commercial customers the money that it will have collected as a result of its temporary rider, Original Sheet No. 18 of its Colorado Tariff PUC No. 4,

over and above the amount it would have collected had First Revised Sheet No. 18 of Colorado Tariff PUC No. 4 been in effect for the period of February 1, 1955 to April 1, 1955.

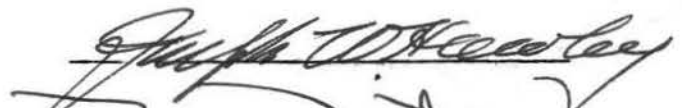
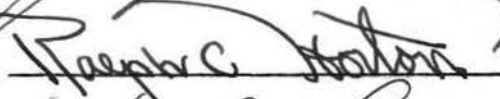
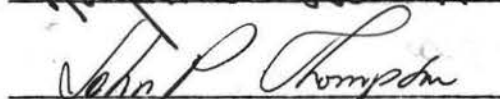
That said refund be made by a credit to each customer's bill.

That said refund be made to all customers who were billed under Original Sheet No. 18 of Greeley Gas Company's Colorado Tariff PUC No. 4.

That the cost of the refund be borne by the Greeley Gas Company.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of March, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL O. SAWYER, TORRINGTON,) PUC NO. 998-I
WYOMING.) CASE NO. 74155-INS.
-----)

March 28, 1955

S T A T E M E N T

By the Commission:

On March 16, 1955, in Case No. 74155-Ins., the Commission entered its order, revoking PUC No. 998-I for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as it now appears that proper insurance filing has been made by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

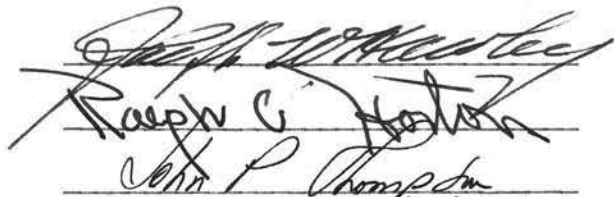
That PUC No. 998-I should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 998-I should be, and the same hereby is, reinstated, as of March 16, 1955, revocation order entered by the Commission on said date in Case No. 74155-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 28th day of March, 1955.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROLLAND SHARP, DIGHTON, KANSAS.)

PUC NO. 2585-I

March 30, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Rolland Sharp, Dighton, Kansas, requesting that Certificate of Public Convenience and Necessity No. 2585-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2585-I, heretofore issued to Rolland Sharp, Dighton, Kansas, be, and the same is hereby, declared cancelled effective March 10, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANCIS D. OSBORNE, BOX 26,)
WILSONVILLE, NEBRASKA.)

PUC NO. 2563-I

March 30, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Francis D. Osborne, Wilsonville, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 2563-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

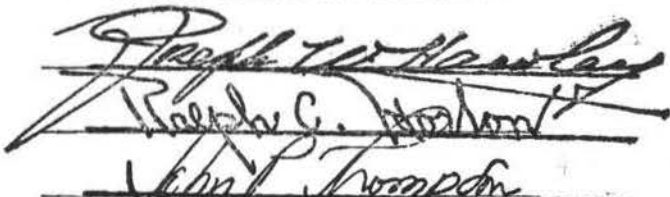
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2563-I, heretofore issued to Francis D. Osborne, Wilsonville, Nebraska, be, and the same is hereby, declared cancelled effective February 28, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE LECHEMAN, 3135 WEST)
EXPOSITION, DENVER 19, COLORADO.)

PERMIT NO. B-4758

March 30, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

George Lechman

requesting that Permit No. B-4758 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4758, heretofore issued to

George Lechman

be,

and the same is hereby, declared cancelled effective March 23, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Anderson
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 30th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
PAUL SHORTY, RED ROCK TRADING POST,)
SHIPROCK, NEW MEXICO.)
)
)
-----)

PERMIT NO. B-4380-I

March 30, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Paul Shorty

requesting that Permit No. B-4380-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

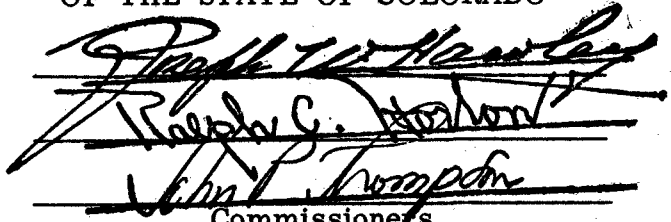
That Permit No. B-4380-I, heretofore issued to _____

Paul Shorty

be,

and the same is hereby, declared cancelled effective March 6, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 30th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ADOLPH HANSEN AND EDWARD HANSEN, CO-)
PARTNERS, DOING BUSINESS AS "HANSEN)
HOG RANCH," ROUTE 1, BOX 80, BROOM-)
FIELD, COLORADO, FOR AN EXTENSION OF)
CERTIFICATE NUMBER PUC-2747.)
-----)

APPLICATION NO. 13100-Extension

March 29, 1955

Appearances: Barry and Hupp, by John R.
Barry, Esq., Denver, Colorado,
for applicants;
James F. Friel, Esq., Denver,
Colorado, for Shimel Suburban
Hauling;
Roy H. McVicker, Jr., Esq.,
Wheatridge, Colorado, for
Frenchie's Cleanup Service.

S T A T E M E N T

By the Commission:

By Decision No. 41689, of date December 11, 1953, Harold L. Fessler, of Fort Lupton, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of:

Garbage, only, from point to point within the area described as:

The City of Westminster and the area bounded as follows: 52nd Avenue (southerly boundary), 10,000 Block (northerly boundary), Washington Avenue (easterly boundary), and Sheridan Boulevard (westerly boundary),

and "PUC No. 2747" was assigned to the operation.

By Decision No. 42971, of date July 14, 1954, said Harold L. Fessler was authorized to transfer all his right, title, and interest in and to said PUC-2747 to Adolph Hansen and Edward Hansen, co-partners, doing business as "Hansen Hog Ranch," Broomfield, Colorado.

By the instant application, the certificate-holders seek an extension of their authority under said certificate to include the transportation of garbage from the cities of Golden, Arvada, Edgewater, and Mountain View to their hog ranch near Broomfield, Colorado.

The application was set for hearing at 330 State Office Building, Denver, Colorado, with due notice to all interested parties, on October 15, 1954, and was there heard and taken under advisement.

Louis J. Carter, an employee of the Commission, was designated by the Commission as an Examiner for the purpose of conducting the hearing, under the provisions of Section 10, Chapter 137, 1935 Colorado Statutes Annotated, and he has transmitted to the Commission the records and exhibits of said proceedings, together with a written statement of his findings of fact, conclusions, and recommendations.

It appears from the report of the Examiner that at the hearing, counsel for applicants stated that for some time prior to the filing of the instant application, applicants were engaged in collecting garbage in the towns they now wish to serve under the proposed extension, with the consent of the town authorities. This garbage was picked up for transportation to applicants' hog ranch near Broomfield, and no charge was made for the service; that prior to the filing of the application, they were advised of a requirement by the State of Colorado and by the United States Government that all garbage must be cooked before being fed to the hogs, and this requirement increased the cost of the garbage as hog feed to the extent that they were forced to make a charge for picking up and disposing of the garbage.

Edward Hansen, one of the applicants, testified that the equipment consists of two 2-ton trucks, each equipped with a steel garbage tank. They feed 1,400 hogs at their hog ranch. At present they have 600 customers in Arvada, 200 in Mountain View, 600 in Edgewater, 700 in Golden, and 250 in the original certificated Westminster area; they have been in this business since 1947, and their net worth is approximately \$40,000.00 (Exhibit No. 6).

The witness identified the contracts between his firm and the four additional towns they wish to serve, some of which contracts were received in evidence. The contract with the City of Golden is based upon a resolution adopted by the City Council of that city on October 9, 1953, awarding the contract to applicants for the collection, removal and disposal of all garbage of that city. The contract itself granted to them the sole and exclusive right, privilege and authority to collect, remove and dispose of the same for a five-year period from July 1, 1953, for the stipulated sum of \$100.00 per month, the service to be rendered for "private houses, hotels and restaurants, and other places." Performance bond in the sum of \$1,000.00 was required from applicants who were to be at all times under the general supervision and control of the city. The contract with the City of Arvada is also exclusive and covers a term July 1, 1953 to July 1, 1958; provides for the pick up of garbage at least once per week from October 16th to June 30th of each year, and at least twice per week from July 1st to October 15th, and as often as needed, for the consideration of \$100.00 per month, the contract being based upon an ordinance adopted by the City Council of Arvada. The contract with the town of Mountain View has no time limit, but fixes the compensation of applicants for the garbage removal at \$490.00 per annum.

Arthur Louder, City Manager of ~~the~~ City of Golden, identified the Golden contract, and testified that the service of applicants in Golden is excellent and is needed.

Mrs. Ruth D. Price, Mayor of Edgewater, testified as to a contract between applicants and that town, and that applicants' service is good, adequate, and needed.

H. M. Schulenburg, Mayor of Arvada, identified the Arvada contract, and testified that the service of applicants in their city is necessary and good. His testimony is corroborated by that of David Richardson, Attorney for Arvada.

Martin C. Mulholm, Attorney for the town of Mountain View, identified the contract between applicants and that town, and stated that they render satisfactory service.

For protestants, Blanchard S. Shimel, doing business as "Shimel Suburban Hauling," under PUC-2010, testified that the territory he serves overlaps the area applicants seek to serve. He operates under rates filed with the Commission, and under such rates cannot compete with applicants' charges as fixed by the contract referred to. His certificated area includes Arvada but he is not serving that city. He has ample equipment for the transportation of garbage, and is ready, willing, and able to handle all the garbage in his certificated area.

Duane W. French, doing business as "Frenchie's Cleanup Service," (PUC-2605), testified that he is engaged in the transportation of garbage in the City of Golden, and has pending before the Commission an application for authority to transport garbage in Golden and within a five-mile radius thereof.

Protestant Shimel has filed a brief through his counsel, but no brief has been filed on behalf of applicants.

For a true picture of the situation presented by the evidence, the Engineering Department of the Commission has platted the certificated areas under PUC No. 2747 of applicants; PUC No. 2010 of Protestant Shimel (since the hearing transferred to Herbert Dalberg, doing business as "Dalberg Suburban Hauling," by Decision No. 43918, of date January 14, 1955); PUC No. 2605 of Duane W. French, and the location of the points sought to be served by applicants under the proposed extension of their PUC No. 2747, to-wit: Golden, Arvada, Edgewater, and Mountain View.

As above stated, applicants now are authorized, under PUC No. 2747, to transport:

Garbage, only, from point to point within the area described as:

The City of Westminster and the area bounded as follows:

52nd Avenue (southerly boundary), 10,000 Block (northerly boundary), Washington Avenue (easterly boundary), and Sheridan Boulevard (westerly boundary).

This area already includes the Town of Mountain View, which applicants serve under the contract referred to, and in the absence of such a contract, could serve under their present authority. An extension of their present certificate to include Mountain View would only authorize them to serve an area they can already serve, and the contract with Mountain View is only incidental.

Shimel (now Dalberg) is authorized, under PUC No. 2010, to transport:

Trash, ashes, and waste materials, in the territory described as follows:

Beginning at the intersection of West 72nd Avenue and Sheridan Boulevard in Jefferson County; thence south along Sheridan Boulevard to West 29th Avenue; thence west along West 29th Avenue to Kipling Street; thence south along Kipling Street to Alameda Avenue; thence west along Alameda Avenue to a point where a line drawn north and south one mile east of Golden would intersect Alameda Avenue; thence north along said line drawn north and south one mile east of Golden to West 72nd Avenue; thence along said West 72nd Avenue to place of beginning;

trash, in pick-up and delivery service, in the following-described additional territory known as Edgewater, which is bounded on the north by West 29th Avenue, on the east by Sheridan Boulevard, on the south by West 20th Avenue, and on the west by Lamar Street;

transportation and disposal of garbage within the area described in his PUC No. 2010.

This area overlaps the area certificated to applicants, to some extent. It includes Arvada and Edgewater, but does not include Mountain View or Golden. Shimel admits that he does not serve Arvada, and there is no evidence that he serves Edgewater, so any decision of this Commission on the instant case could not affect his present operations so far as the evidence discloses.

French is authorized to perform the following service under PUC No. 2605, to-wit:

Call and demand service for the transportation of ashes, trash, topsoil and fertilizer in the City of Golden, Colorado, and a radius of five miles thereof;

Call and demand service for the transportation of garbage by applicant in an area described as follows:

The City of Golden, Colorado, and a radius of five miles from the center thereof, excluding an area described as follows: Extending from the line commonly designated as the center line of Kipling Street, which line is the most easterly boundary line of said excluded area, to a line one mile east of the City of Golden, which said line is the most westerly boundary of the said excluded area and extending from a line 300 feet north of and paralleling West 26th Avenue, which last-said line is the most northerly boundary line of the excluded area, to a line 2,000 feet south of and paralleling West Alameda Avenue, which said line is the most southerly boundary line of the excluded area.

This area does not include Arvada, Mountain View or Edgewater, so Golden is the only disputed point. Whether or not he is serving any part of Golden, in view of the exclusive contract between applicants and the city authorities, does not appear from the evidence.

Applicants for a certificate, or extension thereof, authorizing operations as common carriers, assume the burden of proof, and upon the whole record, by affirmative testimony, must establish the existence of a present and future public convenience and necessity requiring the operation proposed. Proof of this necessarily involves proof that existing transportation facilities, if any, are inadequate to serve the public. The facts which must be established ordinarily relate to general conditions known to the general public.

In the instant case, we may disregard the evidence as to the service in Mountain View, as this community is already within the certificated area of applicants, and is not within the certificated area of protestants.

As to Golden, the duly elected City Council, acting for and in the public interest, and speaking for the electors of the city, passed an ordinance authorizing a contract granting to applicants the sole and exclusive right, privilege, and authority to collect, remove and dispose of garbage for the private homes, hotel, restaurants "and other places" in the city, for a five-year period, for a specified monthly payment. The contracts of applicants with the Cities of Arvada and Edgewater are based upon similar resolutions. The need for applicants' service

is further shown by the testimony of the City Manager of Golden, the Mayor and City Attorney of Arvada, and the Mayor of Edgewater. In the opinion of the Commission, applicants have made out a prima facie case, establishing the public convenience and necessity for the proposed service in the extended area. They are now operating under contract with these cities and towns, their service is satisfactory, and protestants have brought forward no evidence of the inadequacy of such service.

The brief of Protestant Shimel was largely devoted to discussion of the rates for service charged by applicants, as fixed under the contracts referred to, the contention being that such rates, when broken down to collection rates "per stop" are unreasonably low and discriminatory, unjust and confiscatory, and constitute unfair competition. The Commission is not unduly concerned with either the evidence relative to rates or the discussion relative thereto. The Commission has never prescribed rates for the transportation of garbage -- hence any carrier authorized to transport garbage may fix his own rates. Applicants have filed rates covering their operations in the originally-certificated area. Their rates in Golden, Arvada, and Edgewater are fixed by the contracts referred to, and rates based upon a contract between a carrier and a Governmental Agency need not even be filed -- even in the absence of prescribed rates. Therefore, the objection of protestant's counsel to the denial of his right to cross-examine Hansen as to these rates was properly over-ruled.

Protestant further objected to the ruling of the Examiner receiving the contracts in evidence. In the opinion of the Commission, these contracts and the evidence as to their background, and that offered in support thereof, were a necessary part of applicants' proof of public convenience and necessity for the proposed operation.

The Commission is in full accord with the rulings of the Examiner during the hearing, as shown by the Examiner's report, but does not agree with his recommendation that the application should be dismissed, without prejudice. Our reasons for such disagreement are as above set forth.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of applicants herein, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Adolph Hansen and Edward Hansen, co-partners, doing business as "Hansen Hog Ranch," Broomfield, Colorado, under PUC No. 2747, for the transportation of garbage from the Cities of Golden, Arvada, Edgewater, and Mountain View, Colorado, to their hog ranch near Broomfield, Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

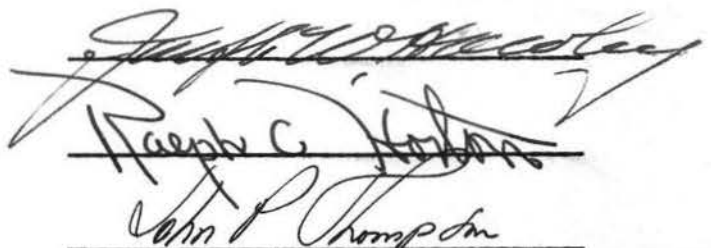
That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 29th day of March, 1955. -8-

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LUTHER LOCK, PENROSE, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER) APPLICATION NO. 13317-PP-Extension.
PERMIT NO. B-3996.)
-----)

March 29, 1955

S T A T E M E N T

By the Commission:

On March 4, 1955, Luther Lock, Penrose, Colorado, filed application with this Commission for authority to extend operations under Permit No. B-3996 to include the right to transport ore from mines in Park and Fremont Counties, to mills and railheads in said counties.

The Commission is now in receipt of a communication from said Luther Lock, stating he does not desire to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 13317-PP should be, and the same hereby is, dismissed, at request of applicant herein.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 29th day of March, 1955.
ea

original

(Decision No. 44127)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATION OF A. STRICKER,)
A. STRICKER, JR., AND J. P.)
GERRINGER (CO-PARTNERS) D/B/A)
A. STRICKER AND SONS, 4414)
DELAWARE ST., DENVER, COLORADO.)

CASE NO. 1585

March 29, 1955

S T A T E M E N T

By the Commission:

On March 10, 1955, by Decision 44049, as amended by Decision 44090, dated March 18, 1955, the Commission issued a private carrier "B" permit to A. Stricker, A. Stricker, Jr., and J. P. Gerringer (co-partners) D/B/A A. Stricker and sons, authorizing the transportation of drugs and sundries (those items usually sold by wholesale and retail drug stores), from and to warehouse, or warehouses, of McKesson & Robbins Inc. to and from retail drug stores, and from and to warehouse, or warehouses, of Republic Drug Co. and Wm. W. Myers Drug Stores Co. to and from the retail drug stores of the respective companies all within the following area, to-wit: The City and County of Denver and all points within a radius of 16 miles of Colfax and Broadway therein, with no service authorized west of Simms Street in Jefferson County, Colorado.

No objection was raised at the hearing to the issuance of the sought permit under the authority as outlined above.

One of the conditions required by the Commission before this permit could become operative was that the applicants should file their schedule of rates.

Upon investigation and conferences with Mr. Mattson, one of the attorneys for the applicants, the rate department of the Commission has developed these facts, viz.:

1. The applicants have been rendering a similar service for the McKesson & Robbins Inc., or its predecessor, for the last 30 years.
2. That the rates applicants have been charging are not on the basis of the rates prescribed by the Commission.

3. That if the applicants are to continue to perform the service they have been performing (which apparently is not competitive with common carrier service) they cannot make a charge on the basis of 100 pounds on the various classes of commodities which they handle.

4. The Westway Motor Freight Inc. of Golden seemed to be the principal objector to the granting of this permit inasmuch as it was handling McKesson & Robbins shipments to Golden and the Commission has recognized its concern by disallowing any service west of Simms Street in Jefferson County.

Due to the above facts and the facts developed at the hearing, the Commission feels that its prescribed rates, rules and regulations should not apply to this operation.

F I N D I N G S

THE COMMISSION FINDS:

That its prescribed rates, rules and regulations as prescribed in Case No. 1585 should not apply to the operation of the above named applicants.

O R D E R

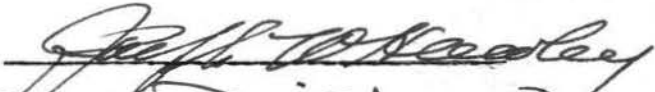
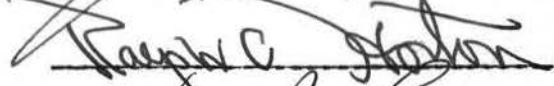
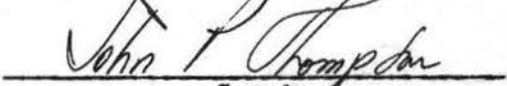
THE COMMISSION ORDERS, That:

1. The rates, rules and regulations prescribed in Case 1585, shall not apply to the operation of A. Stricker, A. Stricker, Jr., and J. P. Gerringer (co-partners) D/B/A A. Stricker and Sons, Denver, Colorado, for the transportation of the commodities set forth in Decision No. 44049, dated March 10, 1955, as amended by Decision No. 44090, dated March 18, 1955, for McKesson & Robbins Inc., Wm. W. Myers Drug Stores Co., and Republic Drug Company between points in the City and County of Denver and all points within a radius of 16 miles of the intersection of Colfax and Broadway therein, with no service west of Simms Street in Jefferson County, Colorado.

2. This action is taken without prejudice should a complaint be filed at some subsequent date relative to any potential competitive situation which may exist between said service and that of a common carrier service.

3. Except as provided herein, Decision No. 44049 and 44090 shall remain in full force and effect unless otherwise ordered by the Commission.
4. This order shall become effective 21 days from date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 29th day of March, 1955.

ma

original

(Decision No. 44128)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN H. SMYTH, ROUTE 1, BOX 66,)
SALIDA, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" PRIVATE) APPLICATION NO. 13311-PP
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

March 30, 1955

Appearances: John H. Smyth, Salida,
Colorado, pro se;
R. E. Turano, Denver,
Colorado, and
Ernest Porter, Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

On March 15, 1955, applicant herein filed his application for 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 used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties; ore from the Bonanza District and points in Saguache and Chaffee Counties, to Leadville, and to points in Chaffee County.

The matter was regularly set for hearing, and heard, at the Court House in Alamosa, Colorado, on March 25, 1955, and at the conclusion of the evidence, was taken under advisement by the Commission.

At the hearing, the evidence disclosed that applicant is the owner of a 1952 2-ton Ford truck, and desires to haul crude ore from the Bonanza District to Leadville, and to points in Chaffee County. He also

desires to haul sand, gravel and other road-surfacing materials.

The record discloses that applicant has a net worth of approximately \$30,000.00.

R. E. Turano, appearing for Rio Grande Motor Way, Inc., protested the hauling of concentrates, and stated he had no objection to the hauling of ore if it is restricted to crude ore. Applicant stated he had no desire to haul concentrates, and crude ore would take care of all his proposed customers.

It does not appear that the granting of the application would impair common carrier service now authorized to serve the Bonanza District.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application, as hereinafter restricted, should be granted.

O R D E R

THE COMMISSION ORDERS:

That John H. Smyth, Route 1, Box 66, Salida, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties; crude ore between points in Saguache and Chaffee Counties, and from said Saguache and Chaffee Counties to the smelter and mills located in or near Leadville, Colorado.

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


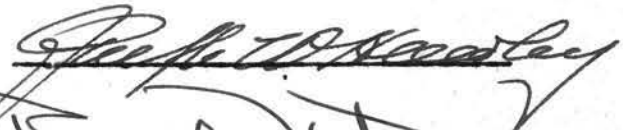


That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary

tariffs, required insurance, and has secured identification cards.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1955.

ea

original

(Decision No. 44129)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

A. E. R. BRINK, BOX 312, AURORA,)
COLORADO,)

Complainant,)

vs.)

JOHN DAVID, JR., DOING BUSINESS)
AS "SMOKEY HILL TRUCK LINE,")
4878 WYANDOTTE STREET, DENVER,)
COLORADO,)

Respondent.)

CASE NO. 5098

March 30, 1955

Appearances: J. Nelson Truitt, Esq., Denver,
Colorado, for Applicant;
Barry and Hupp, Esqs., Denver,
Colorado, by James T. Ayers,
Esq., for Respondent.

S T A T E M E N T

By the Commission:

By complaint filed February 11, 1955, Complainant alleges in substance that he lives within the territory served by Respondent common carrier, has milk and cream which he wishes hauled and which Respondent is authorized to haul, that he is accessible to a public highway by reason of a right-of-way across adjoining lands, but that Respondent refuses to pick up Complainant's milk and cream. Complainant asks that Respondent common carrier be required to transport Complainant's milk and cream.

The substance of the answer is that Respondent's refusal to serve results from his being unwilling to cross the adjoining land to reach Complainant, out of fear of becoming involved in litigation with Complainant's neighbor. Respondent asks the Commission to require the Complainant to supply Respondent with a written permit from the neighbor

permitting Respondent to cross the neighbor's land, as a condition of receiving service.

Said Complaint and Answer, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 28, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

It appeared at the hearing that the Respondent is able, ready, and willing to serve the Complainant, conditioned only upon receiving assurance that it will not become involved in litigation by so doing. Complainant thereupon introduced, without objection, a certified copy of a Decree of District Court in and for Arapahoe County, Colorado, where the land in question is situate, and evidence in support thereof, to the effect that the easement recognized thereby extends from a public highway to Complainant's land across the land of a neighbor; that said Decree has become final and the time for appeal has long since expired; and that the said Decree has been properly recorded in the County in which the land is situate. This evidence and the Decree stands uncontradicted. There is no evidence whatsoever to indicate that the Respondent common carrier could not with impunity use the said easement for the purpose of picking up Complainant's milk and cream. Respondent did not in any manner question the validity or finality of the decree, or its sufficiency for the purpose here being considered.

The allegations of the Complaint, therefore, stand fully established and uncontradicted. The Respondent has wholly failed to support the burden of going forward with evidence, and the Commission is therefore of the view that it has no alternative but to grant the relief sought by the Complainant.

Although the matter was not pleaded, it appears that, if the Respondent is to serve Complainant, he must open and close a gate to reach Complainant's land, which opening and closing takes several

minutes each day. The Complaint and Answer are confined to the single issue of whether the Complainant is entitled to have common carrier service from Respondent. In a separate proceeding, and upon evidence adduced at such proceeding, the Commission might conceivably find some justification for ordering the elimination of the gate, but on the narrow issues presented in this proceeding, the Commission refuses to find that the inconvenience caused a carrier by having to open a gate, standing alone, is sufficient ground for a common carrier to deny service to a customer.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That Respondent should be ordered to enter upon the lands of the Complainant and to pick up the milk and cream which the Respondent is authorized to haul and transport, pursuant to his common carrier certificate.

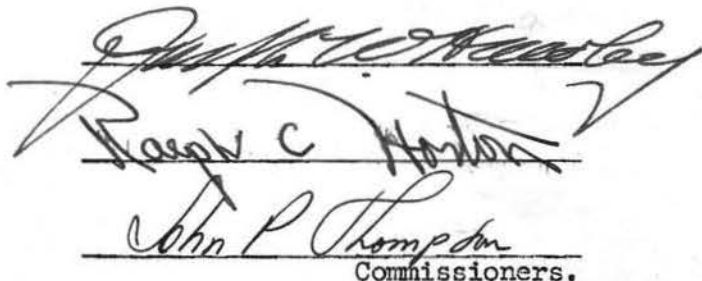
O R D E R

THE COMMISSION ORDERS:

That John David, Jr., doing business as "Smokey Hill Truck Line," Denver, Colorado, should be, and he hereby is, ordered to enter upon the lands of A. E. R. Brink, Aurora, Colorado, and pick up the milk and cream which he is authorized to haul and transport pursuant to his common carrier certificate.

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 30th day of March, 1955.
mls

original

(Decision No. 44130)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE ROCKY MOUNTAIN NATURAL GAS COM-)
PANY, INC., FOR AN ORDER AUTHORIZ-)
ING IT TO PUT INTO EFFECT A)
TEMPORARY GAS RATE ADJUSTMENT.)

APPLICATION NO. 13309

March 30, 1955

Appearances: Grant E. McGee, Esq., Denver,
Colorado, for Applicant;
A. L. Mueller, Esq., Denver,
Colorado, and
Joseph M. McNulty, Denver,
Colorado, for the Commis-
sion.

S T A T E M E N T

By the Commission:

On March 14, 1955, the Rocky Mountain Natural Gas Company, Inc., by its President, Earnest C. Porter, filed an application, pursuant to Rule 17 of the Rules of Practice and Procedure before the Commission in such case made and provided, wherein it requests an order from this Commission authorizing it to put into effect an emergency gas rate adjustment, being a temporary rider to be published as First Revised Sheet No. 1 as a part of its Tariff, Colorado P.U.C. No. 1, affecting all its customers supplied with natural gas purchased by the Company from Colorado-Wyoming Gas Company, to become effective on less than statutory notice.

After due notice to all interested parties, the matter was set for hearing, and heard, on Monday, March 28, 1955, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. No one appeared at the hearing in opposition to the authority sought. At said hearing, evidence was presented on behalf of the Applicant, and cross-examination was held in regard to the testimony and exhibits submitted. At the conclusion of the hearing, the Commission took the matter under advisement.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating Company engaged in the distribution and sale of natural gas in the Towns of Wellington and Nunn, Colorado, and in the areas adjacent thereto. A certified copy of Applicant's Certificate of Incorporation has heretofore been filed with this Commission. The Post Office address is 219 Wilda Building, 1441 Welton Street, Denver 2, Colorado.

Applicant supplies natural gas service at retail for residential, commercial and industrial users in the Towns of Wellington and Nunn and in the areas immediately adjacent thereto. Its schedules of rates, classifications, rules and regulations are on file with the Commission in its Colorado Tariff P.U.C. No. 1.

Applicant began installation of its gas system in the above-mentioned communities in the late fall of 1954 and it was not until November 1954, that it actually started selling gas to its customers. Since Applicant has been in business such a short period of time, there are not sufficient records to establish a full year as a test period. Applicant has presented exhibits, however, in an endeavor to show for the period of time it has operated that it is in no position to absorb the full increased cost of gas resulting from a new wholesale rate put into effect starting February 1, 1955 by its supplier, Colorado-Wyoming Gas Company.

The increase in the cost of wholesale gas was brought about by a filing with the Federal Power Commission of a new gas rate tariff in FPC Docket No. G-2576 on July 30, 1954. By this new filing, Colorado Interstate Gas Company proposed to increase its rates and charges for natural gas furnished for resale to Colorado-Wyoming Gas Company, Applicant's pipeline supplier. The Federal Power Commission, under the provisions of the Natural Gas Act, suspended such rates in the new filing as they were empowered to do by said Act, until February 1, 1955, by order dated August 26, 1954. Since the proceeding in Docket No. G-2576 had not been concluded and no final order issued by the Federal Power Commission prior

to February 1, 1955, the proposed increased rates and charges for natural gas service furnished to Colorado-Wyoming for resale went into effect subject to refund on February 1, 1955.

On August 17, 1954, Colorado-Wyoming Gas Company, a pipe line customer of Colorado Interstate, and Applicant's natural gas pipe line supplier, tendered to the Federal Power Commission for filing in FPC Docket No. G-2720 certain tariff sheets proposing an increase in its rates and charges for gas sold for resale subject to the jurisdiction of the Federal Power Commission, including an increase in its rates and charges for natural gas furnished to Applicant for resale. Said proposed increase is based for the most part on the increased rates proposed by Colorado Interstate in FPC Docket No. G-2576. By order of the Federal Power Commission, issued September 13, 1954, said rates and charges were suspended until February 1, 1955. The rates as filed went into effect on February 1, 1955, subject to refund. On March 14, 1955, the Federal Power Commission issued an order in FPC Docket No. G-2720 permitting Colorado-Wyoming Gas Company to file a revised tariff setting new and different rates for gas service to its customers to become effective retroactive to February 1, 1955. The revised tariff filed by Colorado-Wyoming Gas Company was the result of conferences between it and the Staff of the Federal Power Commission. While the revised tariff was a reduction in gas rates, from the rates originally filed that went into effect on February 1, 1955, the rates nevertheless were higher than those in effect prior to February 1, 1955. As a result of the new revised rates for gas service effective retroactive to February 1, 1955, Applicant herein will receive an increase in its cost of gas because of said revised filing. The revised rates as filed by Colorado-Wyoming Gas Company are to remain in full force and effect subject to refund until further order of the Federal Power Commission. Since the revised rates of Colorado-Wyoming Gas Company are predicated upon the rates of Colorado Interstate Gas Company in Docket No. G-2576, they will undoubtedly re-

main in force and effect until such time as a final determination is made of the rates in said Docket No. G-2576.

Testimony at the hearing revealed that the revised rates filed by Colorado-Wyoming Gas Company will increase the cost of gas to Applicant herein by an amount of \$2,426.73 annually. By the proposed rate filing submitted by Applicant, the Company expects to recover \$1,372.64 on an annual basis and expects to absorb the balance of the increase, or \$1,054.09. The witness for the Company further stated that, should the rates of Colorado-Wyoming Gas Company be reduced as a result of the final settlement of Docket No. G-2576, Applicant would be willing to refund to its customers any excess that it charged its customers over and above the rate as finally determined.

Exhibits submitted at the hearing by Applicant on a pro forma basis reveal that, if the Company were to absorb all of the increased cost of gas, it would have an operating income of only \$44.65 on an annual basis. The increased income resulting from passing along a part of the increased cost of gas will still be less than an adequate return on the value of the plant, according to the evidence presented. While it is to be expected that a Company just starting in business will take a certain period of time before it can expect to connect all of its customers and, therefore, begin to earn on its investment, it is quite apparent from the evidence submitted that the additional burden imposed on Applicant because of the increased cost of gas should be borne at least in part by its customers. As already stated, in the event the full increase in the cost of gas is not permitted by the Federal Power Commission, in the proceedings before that Commission, Applicant will refund to its customers any overcharge. Under the conditions stated, we believe that Applicant should be permitted to file its temporary rider increasing the cost of gas to its customers as provided in the order to follow.

F I N D I N G S

THE COMMISSION ORDERS:

That the Commission has jurisdiction of the Rocky Mountain Natural Gas Company, Inc., and of the tariff of said Company involved in the instant matter.

That the proposed temporary rider designated as "First Revised Sheet No. 1" as a part of the Rocky Mountain Natural Gas Company, Inc.'s Tariff, Colorado P.U.C. No. 1 is just and reasonable, non-discriminatory and non-preferential, and should be permitted to be filed and become effective as hereinafter ordered.

That said temporary rider should be permitted to remain in force and effect until final determination of the rates of Colorado-Wyoming Gas Company is made by the Federal Power Commission in FPC Docket No. G-2720, at which time said adjustment should be reviewed by this Commission and a determination made of any refunds that may be due to customers of Rocky Mountain Natural Gas Company, Inc., as a result of final settlement of this matter.

That this Commission should retain jurisdiction of this matter to make such further order, or orders, as may be necessary in the premises.

O R D E R

THE COMMISSION ORDERS:

That the proposed temporary rider designated as "First Revised Sheet No. 1" as a part of the Rocky Mountain Natural Gas Company, Inc., Colorado Tariff P.U.C. No. 1, be, and the same is hereby declared to be just and reasonable, non-discriminatory, and non-preferential, and said proposed temporary rider be, and the same is hereby, permitted to be filed subsequent to the effective date hereof, to become effective on not less than one (1) day's notice, subject to the terms and conditions of this Order.

That First Revised Sheet No. 1 of the Rocky Mountain Natural Gas Company, Inc. of its Colorado Tariff P.U.C. No. 1, when filed in

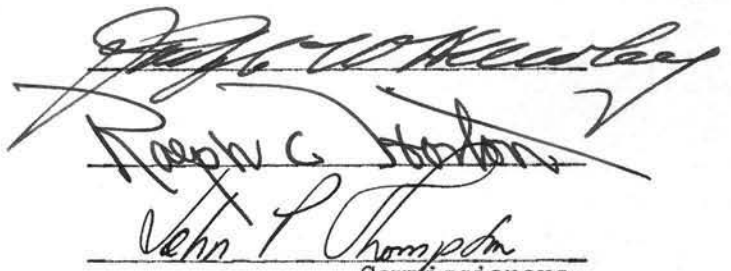
accordance with the conditions set out in the preceding paragraph, shall apply to all gas sold on and after the effective date of the rate.

That said temporary rider be, and the same is hereby, permitted to remain in force and effect until final determination of the rates of Colorado-Wyoming Gas Company is made by the Federal Power Commission in FPC Docket No. G-2720, at which time said adjustment shall be reviewed by this Commission and a determination made of any refunds that may be due to customers of the Rocky Mountain Natural Gas Company, Inc., as a result of a final settlement of this matter.

That this Commission shall retain jurisdiction of this matter, to make such further order, or orders, as may be necessary in the premises.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
CHARLES G. RAY, 1316 EAST 25TH)	PERMIT NO. B-4674
AVENUE, DENVER, COLORADO.)	CASE NO. 72551-INS.
-----)	

April 1, 1955

S T A T E M E N T

By the Commission:

On October 25, 1954, in Case No. 72551-Ins., the Commission entered its order, revoking Permit No. B-4674 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as it now appears that said Respondent has made proper insurance filing, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

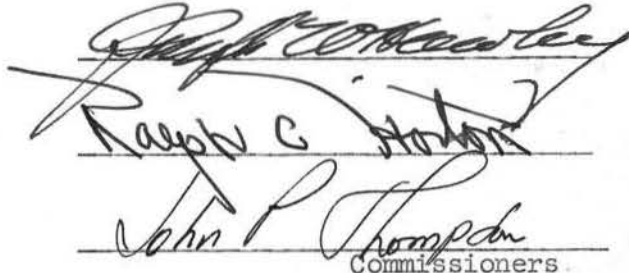
That Permit No. B-4674 should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4674 should be, and the same hereby is, reinstated, as of October 25, 1954, revocation order entered by the Commission on said date in Case No. 72551-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ESSA HARBERT, WOODROW, COLORADO.) PERMIT NO. B-276
- - - - -)

- - - - -
April 1, 1955
- - - - -

S T A T E M E N T

By the Commission:

On September 27, 1954, the Commission entered its Decision No. 43243, authorizing the above-styled permittee to suspend operations under Permit No. B-276 until April 1, 1955.

The Commission is now in receipt of a communication from Essa Harbert, Woodrow, Colorado, owner of Permit No. B-276, requesting authority to further suspend operations under said permit until October 1, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

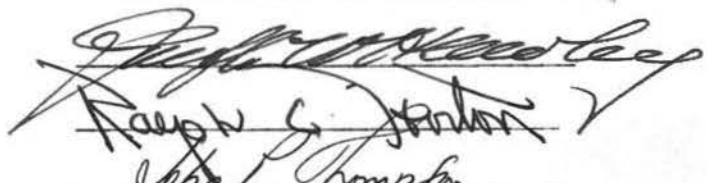
O R D E R

THE COMMISSION ORDERS:

That Essa Harbert, Woodrow, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-276 until October 1, 1955.

That unless said permittee 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 1st day of April, 1955.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OMAHA-DENVER EXPRESS, INC., 1650)
GRANT STREET, DENVER, COLORADO) APPLICATION NO. 12451
FOR A PIPE LINE FROM MERINO, COLO-)
RADO, TO DENVER, COLORADO.)
-----)

April 1, 1955

Appearances: Stockton, Linville and
Lewis, Esqs., Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John H.
Lewis, Esq., on behalf of applicant herein, stating applicant no longer
desires to prosecute the above-styled application.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

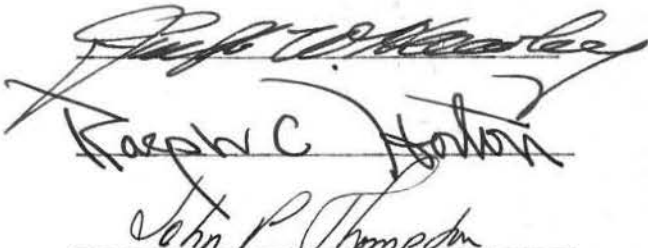
O R D E R

THE COMMISSION ORDERS:

That Application No. 12451 should be, and the same hereby is,
dismissed, as requested by attorney for applicant.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH H. BIZNETT, 235 NORTH)
NEVADA AVENUE, LITTLETON,)
COLORADO.)

PERMIT NO. B-4777

April 4, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4777 be suspended for six months from March 31, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

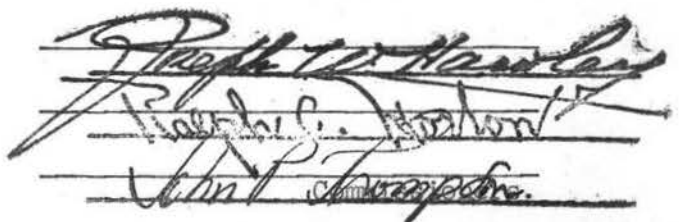
O R D E R

THE COMMISSION ORDERS:

That Ralph H. Biznett, Littleton, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4777 until September 30, 1955.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dated at Denver, Colorado,
this 4th day of April, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ED LUJAN, DOING BUSINESS AS "ED)
LUJAN AND SONS," SAGUACHE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 13308-PP

April 4, 1955

Appearances: Moses and DeSouchet, Esqs.,
Alamosa, Colorado, for
applicant;
Conour and Conour, Esqs.,
Del Norte, Colorado, for
James Ashton, J. P. Weider-
kehr & Sons, and Gibson
Truck Line;
Marion F. Jones, Esq., Denver,
Colorado, and
Alvin Meiklejohn, Esq., Denver,
Colorado, for Sorenson Truck
Service;
R. E. Turano, Denver, Colorado,
and
Ernest Porter, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

On December 31, 1954, Ed Lujan, doing business as "Ed Lujan and Sons," Saguache, 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, potatoes, and all kinds of farm produce, wool, hay (both baled and loose), and all kinds of feeds, including prepared feeds, lumber, cement, brick, and all kinds of building materials, gypsum and other mineral products, fertilizer, both natural and artificial, from point to point within Saguache County, Colorado, and from points in Saguache County to and from Salida, Walsenburg, Pueblo, McClave, Manzanola, and Denver, without the right to render point-to-point service between Walsenburg and Denver and inter-

mediate points, but including feed lots in the vicinity of Denver, and including the right to haul to Alamosa, but not from Alamosa to Saguache County.

The above matter, after notice to all parties in interest, was regularly set for hearing, and heard, at the Court House in Alamosa, Colorado, on March 25, 1955, and at the conclusion of the evidence, was taken under advisement.

At the hearing, the applicant, testifying in support of the application, stated that for many years he had operated a private carrier permit in Saguache County, and was a part owner of a certificate of public convenience and necessity serving the northern portion of the County, but which certificate has recently been cancelled for failure to file insurance.

Applicant further stated that there is no locally domiciled carrier in Saguache County to take care of the farmers and livestock growers, and stated that he has had numerous requests by said stock growers and farmers to file an application for a permit to take care of their transportation needs. He desires especially to haul livestock, potatoes, hay and prepared feeds; that his service will be a service to farmers in Saguache County and will not be a service between towns. He also stated that he will serve only his customers.

It appeared from the evidence that applicant has suitable equipment, is qualified by experience, and has adequate funds to carry on his proposed operation.

Several prominent livestock growers and farmers appeared from Saguache County in support of the application, among whom were: E. B. Noland, a livestock raiser of Saguache County who has spent his entire life in the County, and desires applicant's service especially for the transportation of livestock to sales rings and to the market in Denver. He also would use applicant's service for the transportation of fertilizer and prepared feeds from Manzanola and McClave. The

witness stated there is no local carrier based in Saguache County presently authorized to serve his needs. Fred Curtis, Clyde Alexander, Fred Reed, George Ward, and Everett Rouse, all farmers and stockgrowers in Saguache County, testified substantially the same as did the Witness Noland. However, some of the witnesses would use applicant's service for the transportation of hay (both baled and loose), wool, and one witness desired applicant's service for the transportation of rough, unfinished lumber from a sawmill in Saguache County to Denver or Salida, or to points in the San Luis Valley.

R. E. Turano, of the Rio Grande Motor Way, protested the hauling of potatoes, prepared feeds, lumber, cement, etc. The application, as filed, was not broad enough to include the transportation of cement and commercial fertilizer from Portland, so the Commission cannot consider these commodities. It appears that protestant, Rio Grande Motor Way, Inc., is presently operating a line-haul service through Saguache County, serving the towns of Center and Saguache, and other small communities on U. S. Highway No. 285.

The Commission is of the opinion that the line-haul common carrier service of protestant, Rio Grande Motor Way, Inc., is adequate line-haul service and should be protected. Witness Turano stated that his company has a call and demand certificate, serving a part of Saguache County, and can make deliveries on call and demand service. However, a review of the evidence indicates that Rio Grande Motor Way, Inc., does not have any equipment stationed in Saguache County, and the nearest equipment available is at Alamosa, some fifty miles distant from the County seat of Saguache County.

We cannot see from the evidence before us where the call and demand services of Rio Grande Motor Way, Inc. would be impaired. The Commission, on numerous occasions, has declared that every community is entitled to a locally-domiciled carrier, and it appears that the territory surrounding the town of Saguache and the major portion of

Saguache County, does not have a locally-domiciled carrier at the present time. If the farmers and stock growers are to have available adequate transportation, it appears to the Commission that the instant application, as hereinafter limited, should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application, as hereinafter restricted in the Order, should be granted.

The Commission further finds that the granting of the instant application for permit will in no way impair the common carrier call and demand service now authorized to serve northern Saguache County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Ed Lujan, doing business as "Ed Lujan and Sons," Saguache, Colorado, be, and he hereby is, authorized to operate as a private carrier by motor vehicle for hire under a Class "B" permit for the transportation of livestock, potatoes, wool, hay (both baled and loose), feeds, including prepared feeds, fertilizer, both natural and artificial, and rough unfinished lumber, from point to point in that portion of Saguache County which lies east of the Continental Divide, and between said territory, Salida, Walsenburg, Pueblo, McClave, Manzanola, and Denver, including a five-mile zone around said points, and between that portion of Saguache County which lies east of the Continental Divide and points in the San Luis Valley, excluding, however, the right to haul from Alamosa to Saguache, County, or render service between any towns in Colorado in competition with line-haul common carrier service.

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

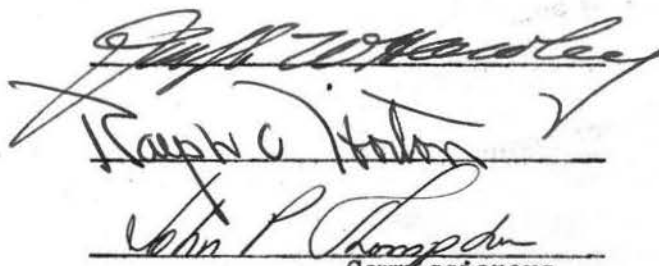
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification

cards.

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

That this order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1955.

mls

original

(Decision No. 44136)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MIDWEST NATURAL GAS, INC., FLORENCE,)
COLORADO, FOR AN ORDER AUTHORIZING)
IT TO PUT INTO EFFECT A TEMPORARY)
GAS RATE ADJUSTMENT.)

APPLICATION NO. 13248
SUPPLEMENTAL ORDER

April 6, 1955

Appearances: Akolt, Campbell, Turnquist and
Shepherd, Esqs., Denver, Colorado,
by
Robert A. Dick, Esq., and
James L. Nelson, Esq., Denver,
Colorado, for applicant;
Gus Vendetti, Mayor of Florence,
Colorado, and
Leonard Campbell, Esq., Denver,
Colorado, for the City of
Florence, Colorado;
A. L. Mueller, Esq., Denver, Colo-
rado, and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On March 8, 1955, in the above-styled matter, Decision No.
44030 was entered by the Commission.

On March 28, 1955, "Petition for Rehearing" was filed herein
by the City of Florence, by Gorsuch, Kirgis, Campbell, Walker, and Grover,
its Attorneys.

The Commission has reviewed the evidence adduced at the hearing
on said application, and has carefully considered Petition for Rehearing
filed herein, and each and every allegation thereof, and is unable to find
anything therein to justify the granting of said Petition for Rehearing.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing filed herein by the City of Florence,

Colorado, should be denied.


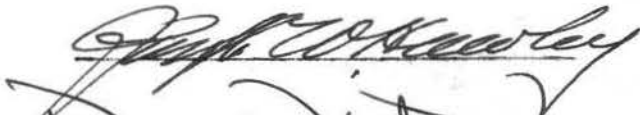
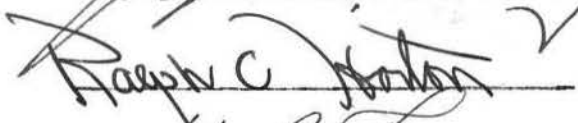
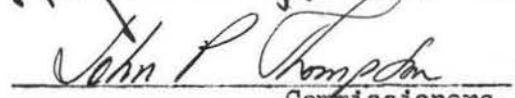
O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed herein on March 28, 1955, by the City of Florence, Colorado, by Gorsuch, Kirgis, Campbell, Walker, and Grover, its Attorneys, should be, and the same hereby is, denied.

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 6th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
ARTHUR E. HALE, ROUTE 2, BOX)	PERMITS NOS. B-2470
463, ARVADA, COLORADO.)	<u>B-3173</u>
-----)	

April 6, 1955

S T A T E M E N T

By the Commission:

Arthur E. Hale, Arvada, Colorado, is presently the owner
and operator of the following operating rights:

Permit No. B-2470, authorizing:

transportation of sand, gravel, rock, stone, dirt,
clay, wet cement, cinders and like road-surfacing
materials, from pits and supply points located
within fifty miles of any construction job on
which he may be engaged to render service, to said
jobs, excluding therefrom the Counties of Boulder,
Clear Creek, and Gilpin Counties; transportation
of mine props and slabs from sawmills located within
fifty miles of Denver, Colorado, to coal mines with-
in this area; and transportation of coal from northern
Colorado coal fields to Denver, Colorado;

Permit No. B-3173, authorizing:

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 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; trans-
portation of cement blocks, cinder blocks, and
brick, from Denver to points within a radius of
thirty miles of Denver, Colorado.

The Commission is now in receipt of a communication from said
permittee, requesting that said operating rights be consolidated, said
consolidated operation to be known as "Permit No. B-2470," and that
Permit No. B-3173 be cancelled and revoked.

F I N D I N G S

THE COMMISSION FINDS:

That said requests should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed to change the Commission's records showing operating rights under Permit No. B-2470 to read as follows:

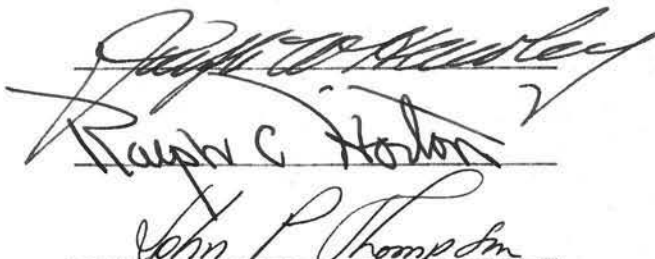
Transportation of sand, gravel, rock, stone, dirt, clay, wet cement, cinders and like road-surfacing materials, from pits and supply points located within fifty miles of any construction job on which he may be engaged to render service, to said jobs, excluding therefrom the Counties of Boulder, Clear Creek, and Gilpin; transportation of mine props and slabs from sawmills located within fifty miles of Denver, Colorado, to coal mines within this area; transportation of coal from northern Colorado coal fields to Denver, Colorado; transportation of cement blocks, cinder blocks, and brick from Denver to points within a radius of thirty miles of Denver, Colorado,

being a consolidation of operating rights formerly known as "Permits Nos. B-2470 and B-3173," as requested by Arthur E Hale, Arvada, Colorado, owner thereof, said consolidated operation to be known as "Permit No. B-2470."

That Permit No. B-3173 should be, and the same hereby is, cancelled and revoked.

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 6th day of April, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OLIVER FELLIN AND ANGELO J. FELLIN,)
CO-PARTNERS, DOING BUSINESS AS)
"FELLIN BROS.," OURAY, COLORADO,)
FOR AUTHORITY TO LEASE PERMIT NO.)
A-872 TO ROBERT W. BANTA, DOING)
BUSINESS AS "RED MOUNTAIN MOTOR-)
WAYS," SILVERTON, COLORADO.)
-----)

APPLICATION NO. 13092-PP-Lease
SUPPLEMENTAL ORDER

April 6, 1955

Appearances: Barry and Hupp, Esqs.,
Denver, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

By Decision No. 43453, of date October 18, 1954, Oliver
Fellin and Angelo J. Fellin, co-partners, doing business as "Fellin
Bros.," Ouray, Colorado, were authorized to lease their Private
Carrier Permit No. A-872 to Robert W. Banta, doing business as
"Red Mountain Motorways," Silverton, Colorado.

At the hearing on the application for authority to lease,
it was stated that the reason for the short-term lease was that the
parties were negotiating for the purchase of said permit by Banta
from Fellin Brothers, but that Angelo Fellin was not in Colorado,
and further time was necessary to complete the negotiations.

The Commission is now in receipt of an application from
Robert W Banta, requesting that said lease be extended for the
period of one year, for the reason that the said Angelo J. Fellin
has been out of the State of Colorado during the entire period of
the present lease, and is not expected to return in the near future,
and further time is necessary to permit the parties to complete their
negotiations for the purchase of said permit.

Oliver Fellin, partner of Angelo J. Fellin, has been contacted, and agreed to the extension of the lease.

F I N D I N G S

THE COMMISSION FINDS:


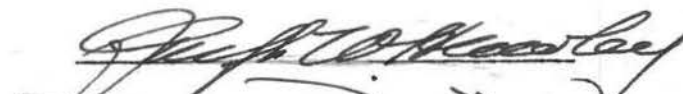
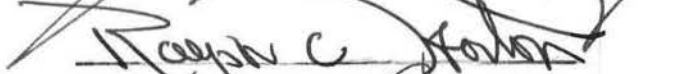
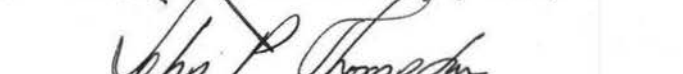
That request of parties hereto should be granted.

O R D E R

THE COMMISSION ORDERS:

That Oliver Fellin and Angelo J. Fellin, co-partners, doing business as "Fellin Bros.," Ouray, Colorado, should be, and they hereby are, authorized to extend their present lease of Permit No. A-872 to Robert W. Banta, doing business as "Red Mountain Motorways," Silverton, Colorado, for the term of one year from and after April 18, 1955, the date of the expiration of the present lease between said parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. F. WOODSON AND B. B. MORTON, CO-)
PARTNERS, DOING BUSINESS AS)
CHECKER-SAFEWAY-TURNER-YELLOW CAB)
COMPANY, " 104 WEST SIXTEENTH STREET,)
CHEYENNE, WYOMING, FOR AUTHORITY TO)
LEASE PUC NO. 2264-I TO CHECKER-)
YELLOW CAB COMPANY, 104 WEST)
SIXTEENTH STREET, CHEYENNE, WYOMING.)

PUC NO. 2264-I-Lease

April 6, 1955

S T A T E M E N T

By the Commission:

Heretofore, J. F. Woodson and B. B. Morton, co-partners, doing business as "Checker-Safeway-Turner-Yellow Cab Company," Cheyenne, Wyoming, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle, in interstate commerce:

between all points in the State of Colorado
and the Colorado State Boundary Lines where
all highways cross same,

said operating rights being designated "PUC No. 2264-I."

Said certificate-holders now seek authority to lease said operating rights to Checker-Yellow Cab Company, a corporation, Cheyenne, Wyoming, copy of said Lease, of date January 2, 1955, being attached to the application.

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

F I N D I N G S

THE COMMISSION FINDS:

That said lease should be authorized and approved.

O R D E R

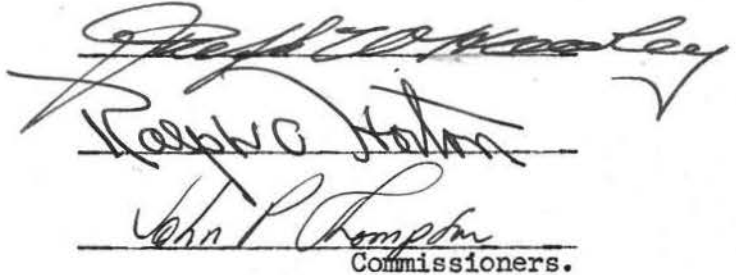
THE COMMISSION ORDERS:

That J. F. Woodson and B. B. Morton, co-partners, doing business as "Checker-Safeway-Turner-Yellow Cab Company," Cheyenne, Wyoming, should be, and they are hereby, authorized to lease PUC No. 2264-I to Checker-Yellow Cab Company, Cheyenne, Wyoming, according to the terms and conditions set forth in "Lease," of date January 2, 1955, attached to their application so to lease.

That lease of operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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 6th day of April, 1955.

mls

original

(Decision No. 44140)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANNIE BEE ATWOOD, EXECUTRIX OF THE)
ESTATE OF WILLIAM F. ATWOOD, DE-)
CEASED, ROUTE 1, FORT MORGAN, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 755 AND PUC NO. 755-I TO)
WILLIAM R. BRUMFIELD AND OLIVET)
ATWOOD BRUMFIELD, CO-PARTNERS, DO-)
ING BUSINESS AS "ATWOOD TRUCK LINE,")
ROUTE 1, FORT MORGAN, COLORADO.)

APPLICATION NO. 13327-Transfer

IN THE MATTER OF THE APPLICATION OF)
ANNIE BEE ATWOOD, EXECUTRIX OF THE)
ESTATE OF WILLIAM F. ATWOOD, DE-)
CEASED, ROUTE 1, FORT MORGAN, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 2435 TO WILLIAM R. BRUMFIELD)
AND OLIVET ATWOOD BRUMFIELD, CO-)
PARTNERS, DOING BUSINESS AS "ATWOOD)
TRUCK LINE," ROUTE 1, FORT MORGAN,)
COLORADO.)

APPLICATION NO. 13328-Transfer

April 6, 1955

Appearances: J. Corder Smith, Esq., Fort
Morgan, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

By the instant applications, Annie Bee Atwood, as Executrix of the Estate of William F. Atwood, Deceased, seeks authority to transfer PUC No. 755, PUC No. 755-I, and PUC No. 2435 to William R. Brumfield and Olivet Atwood Brumfield, co-partners, doing business as "Atwood Truck Line," Fort Morgan, Colorado.

Inasmuch as the files of the Commission and the applications herein show that said operating rights are in good standing; that there are no outstanding unpaid operating obligations against said certificates; that transferees, pecuniarily and otherwise, are qualified to carry on the operation, and it does not appear that any useful purpose would be served by

setting said applications for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said certificates, the Commission determined to hear, and has heard, said matters, forthwith, without formal notice, upon the records and files herein.

It appears from the records and files herein that the said William F. Atwood, owner of said certificates, is now deceased, and that his sole and only heirs-at-law, him surviving, were the said Annie Bee Atwood, his widow, and Olivet Atwood Brumfield, his daughter; that Annie Bee Atwood was appointed as Executrix of the Estate of said decedent by the County Court of Morgan County, Colorado; that by petition filed in the Probate Proceedings, it was alleged that the said Olivet Atwood Brumfield had elected to receive, as her distributive share in her father's estate, certain equipment formerly owned by the decedent, and also title to PUC No. 755, PUC No. 755-I, and PUC No. 2435.

It also appears from the records and files herein that the petition referred to was approved by the County Court of said Morgan County, Colorado, and by Order of said Court, of date February 21, 1955, the said Annie Bee Atwood, Executrix of the Estate of W. F. Atwood, also known as W. Frank Atwood, also known as William Frank Atwood, also known as William F. Atwood, Deceased, was authorized to execute the necessary transfers of title covering said personal property, including said certificates.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Annie Bee Atwood, Executrix of the Estate of William F. Atwood, Deceased, Fort Collins, Colorado, should be, and she hereby is, authorized to transfer all her right, title, and interest in and to PUC No.

755, PUC No. 755-I, and PUC No. 2435 to William R. Brumfield and Olivet Atwood Brumfield, co-partners, doing business as "Atwood Truck Line," Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

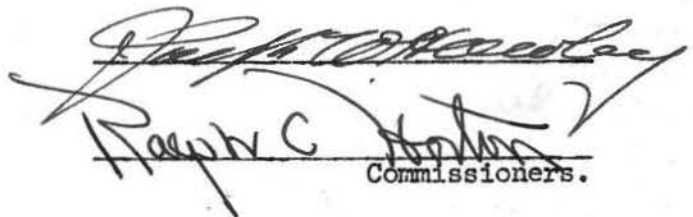
The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificates up to the time of transfer of said certificates.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 6th day of April, 1955.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

BERNAL C. FLESHER AND ROBERT G. RAE,)
CO-PARTNERS, DOING BUSINESS AS)
"STAR MILK LINES,")
Complainants,)
vs.)
WILLIAM H. HERMSMEYER, DOING BUSINESS)
AS "FARMERS CREAMERY COMPANY,")
Respondent.)
-----)

CASE NO. 5093

April 6, 1955

Appearances: Worth Allen, Esq., Denver,
Colorado, for Complainants;
Marion F. Jones, Esq., Denver,
Colorado, for Respondent.

S T A T E M E N T

By the Commission:

On November 16, 1954, complainants herein filed a complaint with this Commission, charging that respondent is engaged in the transportation of milk for hire from farms in Colorado to the town or city of Fort Morgan, Colorado, without having a certificate of public convenience and necessity or private carrier permit to engage in such transportation.

The respondent answered the complaint by admitting that he had no certificate of public convenience and necessity or private carrier permit to engage in the transportation for hire, and denied that he was engaged in the transportation of milk for hire from farms in Colorado to the town or city of Fort Morgan, Colorado, or elsewhere.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on December 22, 1954, and at the conclusion of the evidence, was taken under advisement by the Commission.

The evidence indicates that the complainants are operating as a common carrier by motor vehicle for hire, pursuant to Decision No. 43344, which decision provides as follows:

"That public convenience and necessity require the call and demand service of applicants, in the transportation of milk, cream, and dairy products, together with return of empty cans, from farms within the area extending thirty miles north, twenty-five miles west, ten miles east, and twenty-five miles south of Fort Morgan, Colorado, to creameries in Fort Morgan, Colorado, and Brush, Colorado."

The record further discloses that respondent and his wife are in business in Fort Morgan, Colorado, and operate the Farmers Creamery Company. Prior to September 18, 1954, complainants had been transporting milk and cream for approximately thirty producers from the farms in the Fort Morgan area, to respondent's dairy; that on September 18, 1954, respondent put his own trucks on the road and commenced hauling milk from all the producers supplying him with milk and cream who had previously been served by complainants herein.

It appears that in the operation of the Farmers Creamery Company, respondent purchases milk from farmers and producers, which he processes at his plant; that prior to September 18th, he had generally used for-hire carriers in his operation. It also appears from the record that some misunderstanding arose between complainants and respondent, and that respondent was not satisfied with the service of complainants, so that, thereafter, he started picking up this milk for his creamery under a Commercial Carrier authority. Respondent testified that he was purchasing the milk at the farms at a price $8\frac{1}{2}$ cents per pound of butterfat less than he paid before. In other words, respondent cut the price paid for said milk in the amount of the transportation charges. Complainants, therefore, contend that for that reason the service rendered by him in his buying operation is a for-hire service.

Prior to January 1, 1955, the laws of Colorado provided for Commercial carriers, and it appears to us that the definition, as set forth in the Colorado Statutes of 1953, Article 10, is applicable here, as it was the law in effect at the time the events complained of occurred:

"The term 'Commercial Carrier by Motor Vehicle' means every corporation or person, lessee, trustee, receiver or trustee appointed by the court whatsoever, other than motor vehicle carriers as defined by subsection (4) of Section 115-11-1, owning, operating, controlling, or managing any motor vehicle used in the transportation of property sold or to be sold by him or it in the furtherance of any private commercial enterprise or property of which such person or corporation is the owner or lessee, when transported for the purpose of lease or rent, over any public highway of this state between fixed points or over established routes, or otherwise."

The language in this statute indicates to the Commission that the State of Colorado contemplated an operation whereby the truck owners who bought and sold any type of merchandise in the furtherance of a commercial enterprise would be denominated "Commercial Carriers" and the Legislature, in its classification of carriers, lifted this type of transportation out of the for-hire carrier category.

At this time, the Commission wishes to thank both the attorney for complainants and the attorney for respondent for their well prepared briefs submitted in this proceeding. The problem confronting the Commission in the instant case is one of great importance to the regulated carriers of Colorado. In deciding the question whether respondent is conducting a for-hire operation, we feel that we are bound by the legislative intent as expressed in the three motor carrier acts. The Commission is impressed with the able presentation of complainants that there may be an evasion of the for-hire carrier statutes of Colorado. However, we are of the opinion the legislature recognized the carrier who transported commodities sold or to be sold by him, or in the furtherance of any private commercial enterprise, by the passage of the Commercial Carrier Act, and it is our judgment that the legislature by that Act provided for the type of operation which the respondent is presently conducting. Respondent, in the matter before us, is conducting a creamery. He testified that he buys milk from the farmers for resale and processing. That is definitely a part of his business, and under our interpretation of the statute, he is not a carrier for hire within the meaning of the Common Carrier and Private Carrier Acts.

We realize that since January 1, 1955, the Commercial Carrier Act is repealed, but the violations complained of by complainants are all prior to December 22, 1954.

After careful consideration of the evidence, the Commission is of the opinion that under the laws existing prior to January 1, 1955, the respondent was not operating unlawfully, and, therefore, the complaint should be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

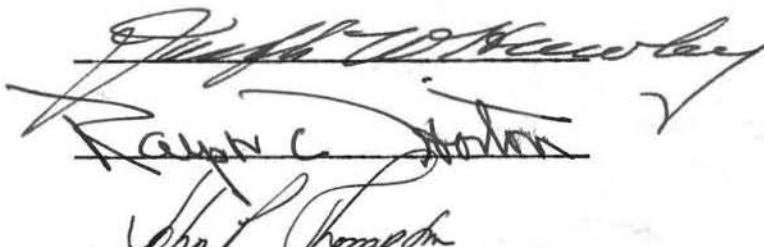
That the complaint in the instant case should be dismissed for the reasons heretofore set forth in our Statement which, by reference, is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1955.

ea

original

(Decision No. 44142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) WILLIAM HARKALIS, LYONS, COLORADO,) FOR AUTHORITY TO EXTEND OPERATIONS) UNDER PERMIT NO. B-4140.)	APPLICATION NO. 13039-PP-Extension <u>SUPPLEMENTAL ORDER</u>
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April 6, 1955

Appearances: Shirley Harkalis, Lyons, Colo-
rado, for applicant;
Ivan Miller, Greeley, Colorado,
for Miller Truck Line;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
Marion F. Jones, Esq., Denver,
Colorado, and
Alvin J. Meiklejohn, Esq.,
Denver, Colorado, for Soren-
son Truck Service.

S T A T E M E N T

By the Commission:

By Decision No. 44063, of date March 15, 1955, William Harkalis, Lyons, Colorado, was authorized to extend operations under Permit No. B-4140.

At the hearing upon which said decision was based, Chris Sorenson, owner and operator of PUC No. 489 and PUC No. 337, appeared and testified in opposition to the application.

On March 21, 1955, Petition for Rehearing or Reconsideration was filed by the said Chris Sorenson, in which he alleges that the testimony that he and other protestants had given at the hearing did not express their true intention, and that they did not express themselves properly in objecting to the grant of certain authority to applicant for the transportation of cinder blocks; that they had not been represented by counsel at the hearing.

The Commission has reviewed its decision referred to and the

Petition for Rehearing and brief in support thereof, submitted by counsel for protestants, who did not appear for them at the hearing. In the brief, counsel suggests that protestants' testimony was not given in the proper manner, and did not express their real intentions.

F I N D I N G S

THE COMMISSION FINDS:

That a rehearing should be granted herein, and Decision No. 44063 should be vacated and set aside.

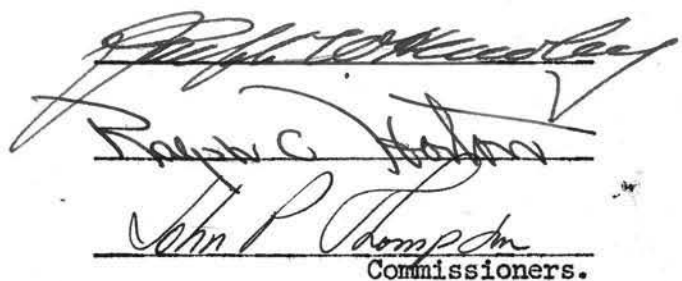
O R D E R

THE COMMISSION ORDERS:

That the Petition of Marion F. Jones, Attorney for Protestant Sorenson Truck Service, for rehearing herein be, and the same hereby is, granted.

That Decision No. 44063, of date March 15, 1955, should be, and the same hereby is, vacated and set aside, and said application should be, and the same hereby is, set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 21, 1955, at ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES DE GEORGE, DOING BUSINESS AS)
"CITY TRANSFER & STORAGE COMPANY,")
801 WALNUT STREET, DENVER, COLORADO,)
OWNER OF PRIVATE CARRIER PERMIT NO.)
B-4015, FOR PERMISSION TO ADD THE)
FOLLOWING CUSTOMERS TO HIS CUSTOMER)
LIST:)

- BUTLER PAPER COMPANY,
- CARPENTER PAPER COMPANY,
- DIXON PAPER COMPANY,
- GRAHAM PAPER COMPANY,
- FEDERAL ENVELOPE COMPANY,
- THE HIRSHFIELD PRESS,
- GENERAL CABLE,
- THOMPSON HAYWARD COMPANY,
- SOCONY VACUUM OIL COMPANY,
- CURTIS CANDY COMPANY,
- MORRIS BROTHERS BROKERAGE COMPANY,
- U. S. RUBBER COMPANY,
- GENERAL TIRE COMPANY,
- STANDARD BRANDS,
- A. E. MEININGER,
- BUSINESS FURNITURE COMPANY,
- KELLY FURNITURE COMPANY,
- CERTIFIED FURNITURE COMPANY, AND
- CERTIFIED CHEMICALS;

APPLICATION NO. 13302-PP-Extension

TO REMOVE RESTRICTIONS AS TO EQUIPMENT,)
AND TO CHANGE HIS TRADE NAME TO JAMES)
DE GEORGE, DOING BUSINESS AS "DE GEORGE)
TRANSFER AND STORAGE COMPANY.")

April 7, 1955

- Appearances: John R. Barry, Esq., Denver,
Colorado, for applicant;
John P. Norman, Denver, Colorado,
for Navajo Freight Lines;
H. D. Hicks, Denver, Colorado,
for Weicker Transfer and
Storage Company;
E. B. Evans, Esq., Denver,
Colorado,
L. G. Kaplan, Esq., Denver,
Colorado, and
A. J. Meiklejohn, Esq., Denver,
Colorado, for Westway Motor
Freight, Inc., Thomas D. Lane
Truck Lines, Brighton-Fort
Lupton Transfer;
Mrs. Orville Jenkins, Westminster,
Colorado, for Arvada Transfer
Company;
Ed Tuxhorn, Byers, Colorado, for
Byers-Denver Truck Line;
John Bokan, Golden, Colorado, for
Westway Motor Freight, Inc.

S T A T E M E N T

By the Commission:

James DeGeorge, doing business as "City Transfer and Storage Company," 801 Walnut Street, Denver, Colorado, is the owner and operator of Private Carrier Permit No. B-4015, which authorizes the following:

Transportation of freight in the freight car unloading and general warehouse business, within the following described area:

All of Townships Two (2) South through and including Townships Five (5) South, in Range Sixty-Six (66) West through and including Range Seventy (70) West of the 6th Prime Meridian, in the State of Colorado, and containing an area of 720 square miles. Further, that applicant shall serve the following customers only, unless applicant seeks and obtains from this Commission, permission to add other customers to its list: Acme Fast Freight, Inc., 225 Union Station, Denver; Slattery & Co., 1726 Market St., Denver, J. B. Morris Co., Sugar Bldg., Denver; and Mangan-Bell Co., Union Station Bldg., Denver. Further, the applicant shall be confined to the following equipment while performing this transportation service, viz: Six - $1\frac{1}{2}$ -ton Stake trucks, and One - 2-ton Stake truck, and said applicant shall not increase or add to the equipment list without first seeking and obtaining from this Commission authority, after hearing, to add other equipment to its operating list.

On December 22, 1954, the above named applicant filed his application for an extension of operations under his Private Carrier Permit No. B-4015, wherein he seeks authority to add additional customers, the use of additional equipment, and a change of name in his operations.

This application for extension was regularly set for hearing, and heard, after notice to all interested parties, at 330 State Office Building, Denver, Colorado, on April 5, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is engaged in the general cartage business in the City and County of Denver, and has a private carrier permit which he purchased from Olof H. Jacobson, Jr., on July 1, 1953, being Private Carrier Permit No. B-4015, authorizing

service for certain specified customers between Denver and points in Metropolitan Denver.

Mr. De George, testifying in support of his application, stated that the territory served will not be enlarged; that he has customers whom he is serving in Denver who desire his service on an emergency basis from Denver to points in Metropolitan Denver. He further stated that the restriction on his equipment, as set forth in his authority, is working a hardship on his operation, and he would like to have that restriction removed. Applicant further stated that he desired to change the name of his operating company, and asked that he be so authorized to do by the Commission. The witness further stated that he has had many requests for service by his present customers to points just beyond the city limits; that he acquired this permit in 1953, and in his Denver operation is operating 24 pieces of equipment, with 7 pieces of equipment under his private carrier permit (B-4015). Applicant produced several witnesses in support of his application, among whom were the following:

Ray Nelson, Warehouse Superintendent of Dixon Paper Company, of Denver, who stated his company is using applicant's service in making deliveries within the City and County of Denver; that they have been using his service for a number of years and on occasions, have requested his service to points beyond the city limits; that applicant refused to render such service for the reason that he did not have authority from this Commission. The witness further stated that they use their own equipment, but do not have sufficient equipment to take care of all their deliveries; that they generally use common carrier service, but on rush orders, it is necessary for them to secure immediate transportation. Witness stated that applicant is presently doing this type of work in the City and County of Denver, and it is his judgment that they need applicant's service for points beyond the city limits of Denver, in the territory known as "Metropolitan Denver."

William Fry, Manager of Federal Envelope Company, Leonard Piccoli, Foreman of the Warehouse of Graham Paper Company, Lewis Clements, Warehouse Manager for Standard Brands, Gene Wright, Warehouse Manager for Butler Paper Company, and Mike Levy, Sales Manager for Certified Furniture Company, all testified similarly to Mr. Nelson. It appears from their testimony that all -- with the exception of Certified Furniture Company -- operate their own trucks and desire applicant's proposed service for emergencies only; that they use applicant's emergency service in the City and County of Denver, and desire that service to the Metropolitan area.

Several witnesses representing line-haul carriers, testified in protest to the granting of the application for extension. John Bokan, President of Westway Motor Freight of Golden, who serves the territory lying directly west of Denver, testified that he maintains scheduled service in his territory, and that the granting of the application might jeopardize his common carrier service. The witness stated that his company had received approximately \$300.00 in freight from the witnesses testifying in support of the application, and that his company cannot afford to lose that business.

Thomas D. Lane, a common carrier operating out of Lakewood, Ed Tuxhorn, of the Byers-Denver Truck Line, and the Navajo Freight Lines, all protested the granting of the authority, contending that the granting of any private carrier permit would take business from their operations and would tend to impair their service.

Applicant has asked for 19 customers, but only 6 witnesses representing 6 customers, appeared, stating they need applicant's service. We cannot see where we should consider any further customers than those who appeared before us. These customers, without exception, use applicant's service as an emergency and specialized service. They are using his service in Denver, and contend they need his service to points immediately outside of Denver. They further contend that when common carrier service can adequately serve them, they will use such common carrier service, but in emergencies they need applicant's service.

After carefully considering the evidence, it does not appear to us that the granting of this extension would impair protestants' common carrier service. In our judgment, the evidence clearly indicates that protestants are not getting that business now and will not get it in the future, and we feel that the granting of the extension for the six customers who testified in support of the application will not impair their service.

The Commission further feels, after hearing the evidence, that the restriction in applicant's present permit is unnecessary and serves no useful purpose, and that said restriction should be eliminated.

Further, it appears to us that the change in the name of applicant's company is compatible with the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That the application, as hereinafter restricted, should be granted for the reasons heretofore set forth in our Statement, which, by reference, is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That James DeGeorge, doing business as "DeGeorge Transfer and Storage Company," 801 Walnut Street, Denver, Colorado, be, and he hereby is, authorized to add the following customers to his operations under Private Carrier Permit No. B-4015:

Butler Paper Company,
Graham Paper Company,
Dixon Paper Company,
Federal Envelope Company,
Standard Brands, and
Certified Furniture Company,

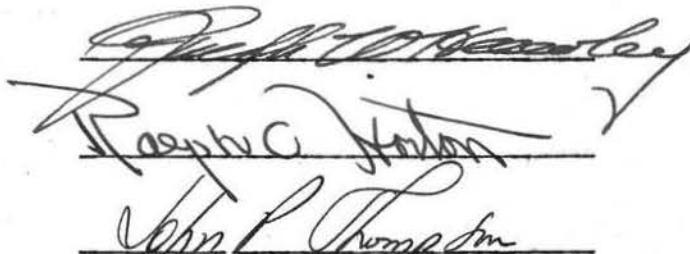
all of said companies being located in Denver, Colorado, and the restriction presently on said applicant's equipment is hereby waived.

It is further ordered that applicant be permitted to change the name of his operation from James DeGeorge, doing business as "City Transfer and Storage Company," 801 Walnut Street, Denver, Colorado, to

James DeGeorge, doing business as "DeGeorge Transfer and Storage Company," 801 Walnut Street, Denver, Colorado.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1955.

ea

original

(Decision No. 44144)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE SAN LUIS CENTRAL RAILROAD COM-)
PANY TO WITHDRAW THE AGENT AT CENTER,)
COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 370

April 7, 1955

S T A T E M E N T

By the Commission:

On November 3, 1954, the San Luis Central Railroad Company, the Applicant herein, by Application No. 13181, filed its petition under Rule No. 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado. Request was made by Applicant for an order authorizing the withdrawal of its agent from the station at Center, Saguache County, Colorado, effective December 4, 1954, and to thereafter maintain Center, Colorado, as a non-agency station.

On December 3, 1954, by Decision No. 43752, the Commission entered an Investigation and Suspension Order wherein the effective date of the proposed station closing at Center, Colorado, was "suspended for a period of one hundred twenty (120) days from December 4, 1954, or until April 4, 1955, unless otherwise ordered." In that decision, the Commission also made the Findings that the proposed agency withdrawal "should be suspended pending a more complete investigation in the matter."

Reason for the suspension order is found in further reference to the Commission's decision, as follows:

"The intention of applicant having been properly publicized by the posting of public notice at its station in Center, the Commission has received a formal protest from the Town of Center, the Center Chamber of Commerce, and Monte Vista Commercial Club, wherein it is contended that discontinuance or elimination of any services by the Railroad Company will cause great inconvenience to the residents of Center and adjacent area; that any curtailment of rail service would stimulate truck competition; that the proposed station closing might hasten abandonment of the whole line."

Reference to the Commission's files reveals also that protests of a similar nature were also filed by: McClure Potato Company, Peoples Hardware, Hazard DeVorss Motor Co., Edwards Wrecking Yard, Lewis Hardware, Center Potato Growers Cooperative Association, Finley Potato Company.

In its investigation of this matter during the time of suspension, the Commission has determined the following:

1. On February 14, 1955, the railroad management placed in service a new 600 H.P. General Electric Diesel Locomotive. Cost was \$79,950 F.O.B. factory, Erie, Pa.
2. Abandonment of the San Luis Central Railroad never has and is not now contemplated.
3. Removal of the agent at Center will not affect train operations on this line.
4. No changes in switching service are contemplated--all loaded cars at Center will continue to be picked up in the usual manner.
5. Provision for lighting heaters in cold weather will be made. During the heater season, the custom of pre-heating cars in the evening for following day loading will be maintained. On late orders, the car heaters will be lighted in the mornings.
6. Monte Vista and Center are on the same telephone exchange, thereby eliminating any toll charges to order cars.
7. Every effort will be made to give satisfactory service in order to maintain customer good-will and patronage.

At this time, the files of the Commission now contain certain communications to the following effect:

- a. Statement of William L. Bartlett, Esq., Center Theater Building, Center, Colorado, and John R. Barry, Esq., 738 Majestic Building, Denver, Colorado, dated February 25, 1955, Paragraph 3:

"Your Petitioners wish to inform the Commission that they have been advised by their clients that they do not wish to prosecute the matter further and that the respective attorneys be allowed to withdraw from the case and let the matter proceed under the rules and regulations, since the Town of Center, the Chamber of Commerce, and other persons do not now wish to protest the abandonment of the agency station at Center by the San Luis Central Railroad Company."

- b. Letter dated March 15, 1955, directed to the Public Utilities Commission as follows:

"Gentlemen: The undersigned have on file with you protests in connection with Application #13181, I & S Docket #370. The attorneys for the Town of Center and the Center Chamber of Commerce have withdrawn their protest to the abandonment of the agency station by the San Luis Central Railroad Company. This followed discussion had with Mr. John Scroggie of the San Luis Central Railroad Company, in which he explained that the company had no intention of abandoning the railroad line, but was simply trying to effect some economies by eliminating the agent.

"The undersigned are agreeable to following the lead of the Town of Center and the Chamber of Commerce, and we do hereby withdraw our protests to the proposed abandonment of the agency station at Center.

Very truly yours,

George E. McDaniel, Manager
The Center Potato Growers
Cooperative Assn.

R. E. Finley
Finley Potato Company

Frank A. Lewis
Lewis Hardware

Grant M. Edwards
Edwards Wrecking Yard

Leroy Strickland, Mgr.
Hazard Motor Co.

Sam Smith, Prop.
Peoples Hardware

John McClure, Manager
McClure Potato Co.

J. H. Beatty, Secretary
Monte Vista Commercial Club"

Further review of the Commission's files indicates that all protestants filing a complaint in this matter have now withdrawn those complaints; that there remains only the original request of the Applicant for disposition by the Commission, viz.: withdrawal of the agent at Center and the subsequent maintenance of Center as a non-agency station.

Center is located 12 miles north and 2 miles east of Monte Vista, Colorado, being also on the east to west State Highway No. 112 which connects with U. S. Highway No. 285 at a point 2 miles westerly

from Center. Both highways are paved. U. S. Highway No. 285 is a direct route to Monte Vista. Center is also the northerly terminal of the railroad.

Applicant states that adequate facilities are available at the Monte Vista office of the railroad to handle all clerical and billing details pertaining to customers' service and shipments. No passengers are handled on this line and there is no milk, cream, express or Western Union business handled at the Center station.

In the matter of carload shipments, the Commission is aware of the common railroad practice to handle routine billing operations at a station other than the point of origin or destination. In this instance, we have also determined that provisions will be made for advance car heating--a service that is now furnished at non-agency loading points on this line and which has proven satisfactory to the shippers.

Relative to the overall service of the railroad, we are aware that carloads and potato shipments are currently being handled from the other non-agency stations of Sugar Junction, Vastine, Dunul and Ansel in a manner similar to that proposed for Center. We note the purchase of a modern diesel locomotive that went into service on February 14, 1955. Assurances are offered that no readily foreseeable abandonment of the line is contemplated by the management.

It appears further that approximately 90% of the railroad tonnage consists of carload shipments of potatoes. Less than carload shipments are handled in substituted truck service from and to Center with pickup and delivery service to consignees and consignors.

We are aware of drought conditions that have been quite widespread in recent years. The situation becomes further apparent in the following tabulation of the whole railroad's movements during the heavy shipping season:

<u>Year</u>	<u>Number of Shipping days</u>	<u>Average Number of Cars Per Day</u>
1952	45	31.3
1953	38	15.5
1954	41	9.5

In the month of October 1954, less than 6 cars of potatoes per day originated at Center.

Relative to the proposed withdrawal of the agent, applicant has stated an agent at this point is not required for the safe operation of train service on this line.

It appears now that the Railroad Company has been faced with declining traffic due to poor crop conditions and to the keener competition of motor vehicle carriers that occurs when business volumes decline. By the agent withdrawal as requested herein, management is proposing an operating economy that will be of benefit to the whole railroad operation.

The Commission fully realizes that some inconvenience for shippers must necessarily develop when an agency station is closed. Our problem, however, is to determine whether the inconvenience suffered by local shippers will be offset by the other benefits accruing to the general public as a result of the financial advantage that will be gained by Applicant. Here we have the proposal of management to effect a certain economy. It does not appear that management has been arbitrary in the exercise of its judgment to secure that economy. The proposal has been reviewed and approved by affected shippers in their initial protests and subsequent withdrawals thereof.

It appears now that the Commission is fully informed in the matter and no beneficial purpose will be served by a public hearing. There being no protests remaining in the files of the Commission in this matter, the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That safe and economical railroad operation does not require the

maintenance of an agent at Center, Colorado.

That the public convenience and necessity in this area can be adequately served by the Monte Vista terminal office.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

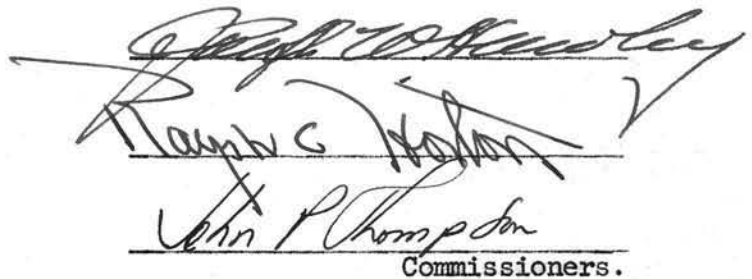
That the above Statement and Findings be made a part hereof.

That the San Luis Central Railroad Company be, and it hereby is, authorized to withdraw its agent from the station at Center, Colorado, and to thereafter maintain Center as a non-agency station, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That the Commission retains jurisdiction to make such further order or orders as may appear proper.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ELMO L. MOTSINGER AND ELMO WILLIAM
MOTSINGER, CO-PARTNERS, DOING BUSI-
NESS AS "E. L. MOTSINGER & SON,"
KIRK, COLORADO, FOR AUTHORITY TO
TRANSFER PUC NO. 600 AND PUC NO.
600-I TO JOHN RIEDESEL, DOING BUSI-
NESS AS "RIEDESEL TRUCK LINE," KIRK,
COLORADO.

APPLICATION NO. 13283-Transfer

April 8, 1955

Appearances: John Riedesel, doing busi-
ness as "Riedesel Truck
Line," Kirk, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Elmo L. Motsinger and Elmo William Motsinger, co-partners,
doing business as "W. L. Motsinger & Son," Kirk, Colorado, owners and
operators of PUC No. 600 and PUC No. 600-I, by the instant application
seek authority to transfer said operating rights to John Riedesel, do-
ing business as "Riedesel Truck Line," Kirk, Colorado, said PUC Nos.
600 and 600-I being the right to operate as a common carrier by motor
vehicle, for the transportation of:

freight, in both intrastate and interstate com-
merce, from point to point within a radius of
twenty miles of Kirk, and between points within
said twenty-mile radius and points beyond said
radius, and within a radius of sixty miles of
Kirk, and for the transportation of livestock
from points within said twenty-mile radius to
Denver, subject to the following conditions:

applicant shall not transport any freight be-
tween any towns located in either the twenty-
mile radius or the sixty-mile radius of Kirk,
and all freight transported by him must either
originate or terminate on a farm or ranch. No
scheduled operation is to be conducted.

Said application, pursuant to prior setting, after appro-
priate notice to all parties in interest, was heard at the Hearing

Room of the Commission, 330 State Office Building, Denver, Colorado, March 28, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Transferor, Elmo William Motsinger, testified that he is transferring the certificate, which constitutes all of the authority he and his partner have to engage in transportation for hire to the transferee free and clear of indebtedness; that a financial arrangement entirely satisfactory to both transferring partners has been made; that he is personally well acquainted with the transferee and knows the transferee to be qualified financially and by experience to perform the transportation contemplated by the certificate.

The transferee testified that he has had approximately 21 years experience in trucking; that although his brother, Ervin, is technically a part owner of present Certificate No. 1619, owned by the transferee, in fact the transferee is the sole operator and in entire financial control of said certificate; that the transferee is in the process of acquiring all the interest of his brother in said Certificate No. 1619, so that the instant certificate, if transferred, can be operated in combination with said Certificate No. 1619, using the same equipment, the same office, and the same personnel. A financial statement, satisfactory to the Commission, has been filed.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Elmo L. Motsinger and Elmo William Motsinger, co-part-

ners, doing business as "E. L. Motsinger & Son," Kirk, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 600 and PUC No. 600-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to John Riedesel, doing business as "Riedesel Truck Line," Kirk, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificates up to the time of the transfer of said certificates.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

5143

Ralph C. Hoxby
 John P. Thompson
 Commissioners.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN G. RIEDESEL AND ERVIN L.)
RIEDESEL, CO-PARTNERS, DOING)
BUSINESS AS "RIEDESEL TRUCK)
LINE," KIRK, COLORADO.)

PUC NO. 1619
PUC No. 1619-I

April 8, 1955

S T A T E M E N T

By the Commission:

John G. Riedesel and Ervin L. Riedesel, co-partners, doing business as "Riedesel Truck Line," Kirk, Colorado, are the owners and operators of PUC No. 1619 and PUC No. 1619-I.

The Commission is now in receipt of a communication from Ervin L. Riedesel, of date April 5, 1955, as follows:

"This is to certify that I have this day sold my interest in the Riedesel Truck Line Common Carrier Certificate 1619, 1619-I, to John G. Riedesel.

"I hereby transfer and guarantee to defend against all lawful claims."

F I N D I N G S

THE COMMISSION FINDS:

The records of the Commission should be changed to show that Ervin L. Riedesel is no longer a co-partner in the ownership and operation of PUC No. 1619 and PUC No. 1619-I.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed to change the records of the Commission to show that PUC No. 1619 and PUC No. 1619-I are owned and operated by John G. Riedesel, doing business as "Riedesel Truck Line," Kirk, Colorado, effective April 5, 1955, in-

asmuch as Ervin L. Riedesel has withdrawn from the partnership of John G. Riedesel and Ervin L. Riedesel, doing business as "Riedesel Truck Line," former owners and operators of said operating rights.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 8th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PHILIP B. BLONDO, 1359 WEST)
ALAMEDA, DENVER 23, COLORADO.)

PERMIT NO. B-4456

April 13, 1955

S T A T E M E N T

By the Commission:

On February 16, 1955, the Commission authorized Philip B. Blondo, Denver, Colorado, to suspend operations under his Permit No. B-4456 until July 20, 1955.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4456 should be, and the same hereby is, reinstated as of April 6, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. T. BOURNE, DOING BUSINESS AS)
"BOURNE TRANSFER," 417 BELL,)
BEATRICE, NEBRASKA.)

PUC NO. 2049-I

April 13, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. T. Bourne, doing business as "Bourne Transfer," Beatrice, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 2049-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2049-I, heretofore issued to R. T. Bourne, doing business as "Bourne Transfer," Beatrice, Nebraska, be, and the same is hereby, declared cancelled effective April 1, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HARRY DEE CALDWELL & ARTHUR W.)
SCHEIDEGGER, TIMNATH, COLORADO.)

PERMIT NO. B-4644

April 13, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Harry Dee Caldwell & Arthur W. Scheidegger
requesting that Permit No. B-4644 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4644, heretofore issued to _____
Harry Dee Caldwell & Arthur W. Scheidegger be,
 and the same is hereby, declared cancelled effective March 17, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Thompson
Joseph C. Thompson
John P. Thompson
Commissioner

Dated at Denver, Colorado,

this 13th day of April, 1955.

mLs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RALPH C. PAYNE, 1276 SHERIDAN)
BOULEVARD, DENVER 14, COLORADO.)

PERMIT NO. B-4626

April 13, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Ralph C. Payne

requesting that Permit No. B-4626 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4626, heretofore issued to _____

Ralph C. Payne

and the same is hereby, declared cancelled effective February 19, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

People for Hawley
 Ralph G. Horton
 Commissioner

Dated at Denver, Colorado,

this 13th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DELBERT R. SMITH, 1079 KALAMATH)
STREET, DENVER, COLORADO.)

PERMIT NO. B-4250
CASE NO. 74170-Ins.

April 11, 1955

S T A T E M E N T

By the Commission:

On March 16, 1955, in Case No. 74170-Ins., the Commission entered its order, revoking Permit No. B-4250 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That Permit No. B-4250 should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4250 should be, and the same hereby is, reinstated, as of March 16, 1955, revocation order entered by the Commission on said date in Case No. 74170-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 11th day of April, 1955.

mls

original

(Decision No. 44152)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE GENERAL INVESTIGATION OF ENTIRE)	
OPERATIONS OF THE DENVER TRAMWAY)	
CORPORATION, DENVER, COLORADO.)	CASE NO. 5090
-----)	

April 12, 1955

Appearances: Wm. T. Secor, Assistant Attorney
General of the State of Colo-
rado, Denver, Colorado, for the
staff of the Commission;
Hughes and Dorsey, by Montgomery
Dorsey, Esq., and Allan R. Phipps,
Esq., Denver, Colorado, for
Respondent The Denver Tramway
Corporation;
John C. Banks, Esq., City Attorney,
Denver, Colorado, for the City
and County of Denver;
Julius Bussard, Littleton, Colo-
rado, for Bussard Taxi and Bus
Service;
Wm. A. McDonald, Denver, Colorado,
pro se;
Alice Schwieder, Denver, Colorado,
pro se;
H. C. Sebern, Denver, Colorado, for
the West Alameda Businessmen's
Association;
Charles M. Cacic, Denver, Colorado,
pro se;
Lamont C. Weimer, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

This is an investigation instituted by the Commission upon
its own motion, into the entire operation of The Denver Tramway Cor-
poration, including financial administration; the adequacy and reason-
ableness of passenger service and headway schedules of said corporation;
and the question of whether or not The Denver Tramway Corporation has
failed to give The Public Utilities Commission proper and adequate notice
of changes in service schedules, as provided for by the Public Utilities
Act, the Motor Vehicle Common Carrier Act, and the Rules and Regulations
of the Commission.

The Order instituting investigation was dated October 6, 1954, and public hearings were held thereon by the full Commission, at 330 State Office Building, Denver, Colorado, beginning October 27th and continuing through October 29th, 1954. At the close of the hearings, the matter was submitted for Findings and Decision.

A brief summarized review of the factual events, culminating in the instant investigation, should, in our opinion, clarify the questions to be here determined.

Prior to June 16, 1953, this Commission had jurisdiction of only that portion of The Denver Tramway Corporation's operations that extended beyond the limits of the City and County of Denver. Our jurisdiction extended over less than ten per cent of the traffic handled. Nevertheless, it had been our experience that the present existing rules and regulations were adequate, and as a result, the Commission did not promulgate a set of rules applying specifically to urban transit utilities.

On June 16, 1953, the qualified voters of Denver adopted an amendment to its charter, which amendment reads in part as follows:

"Section I. All power to regulate the facilities, service and rates and charges therefor of every privately-owned utility operated for the purpose of supplying the public with gas, electricity, or steam heat within the City and County of Denver, and every privately-owned public utility which operates taxis, limousines, transit systems or buses for the transportation of passengers for hire within the City and County of Denver shall be and reside in the General Assembly of the State of Colorado, or such agency, board, commission, or authority as the General Assembly of the State of Colorado has designated or may hereafter designate."

That such amendment conferred on the Commission general jurisdiction over all of the Tramway's operations -- both within the City of Denver and beyond its boundaries -- was affirmatively alleged in Tramway's Application No. 12415 for an order extending its certificate of public convenience and necessity; for an order fixing temporary or emergency fares; for an order fixing a date for the purpose of receiving evidence to enable the Commission to ascertain the operating ratios and fair value of applicant's property within the State of Colorado, to

determine the fair rate of return thereon, and the revenues to which The Denver Tramway Corporation is entitled, and such other orders and findings as might be just and equitable.

Upon this general application, on December 23, 1953, and after hearings thereon, this Commission issued its Decision No. 41781, and included in its decision an order to The Denver Tramway Corporation to improve tramway service not later than July 1, 1954, by the addition of new buses, by extending and re-routing existing routes, and by the establishment of new routes. In addition, Tramway was ordered to purchase and place in operation, under a plan of improvement in service, not less than forty new buses of fifty-one-passenger capacity. The Commission recommended in its Findings that a committee be established, composed of a representative of Tramway, the Traffic Engineer of the City and County of Denver, and a staff member of this Commission, to be charged with carrying out details of the plan for the improvement of service, and as a continuing committee to make further studies and recommendations, all in the interest of improved tramway service.

In compliance with the orders and suggestions of the Commission, Tramway purchased and placed in service fifty new Diesel buses, and complied, generally, with the order in Decision No. 41781. A committee was also designated in accordance with the Findings of the Commission, and is still functioning.

On September 13, 1954, two months and thirteen days after the effective date of said Decision No. 41781, Tramway initiated changes in service schedules, whereby night and Sunday services were discontinued on certain lines and other service was curtailed, without any prior notice to this Commission. In fact, the record discloses that this Commission received notice of said re-scheduling of buses and curtailment of service in the Denver Metropolitan Area some nine hours after said new service schedules were put into effect.

Several complaints on this new service were filed with the Commission, including a formal complaint by the City and County of Denver.

After preliminary investigation of said complaints by the Commission and its staff, it was determined that the interests of the public using Tramway's service would best be protected by a complete investigation, followed by a public hearing on the operations of the Tramway Corporation. The Commission, after careful consideration, determined that irregularities, if any, could best be corrected by formal Order and Findings.

At the hearing beginning October 27, 1954, it became apparent that the substance of said complaints could be clearly discussed under two separate headings:

Question No. 1: By failing to file proposed time schedules with, and failure to obtain approval of schedule changes (involving re-scheduling, curtailment and discontinuance of night and Sunday service on certain specified lines), from The Public Utilities Commission, prior to the effective date of such schedules, did The Denver Tramway Corporation violate either the Public Utilities Law, the Common Carrier Act, or the Commission's Rules and Regulations issued pursuant to such Acts?

Question No. 2: Does The Denver Tramway Corporation presently furnish, provide, and maintain an adequate, efficient and reasonable service to take care of the requirements of its patrons and the public?

In our consideration of Question No. 1, we must, of necessity, consult the statutory law governing the powers of the Commission. We are extremely fortunate in having prepared for our assistance able and scholarly briefs filed by the City and County of Denver and The Denver Tramway Corporation, and at this time we wish to publicly express our appreciation of their assistance.

In its brief, the City and County of Denver answers Question No. 1 in the affirmative, while, on the other hand, The Denver Tramway Corporation answers the question in the negative. However, it appears to the Commission that they are in substantial agreement; that this Commission does have general jurisdiction over the operation of Tramway, including its service to the public, by virtue of the Denver Charter Amendment of June 16, 1953, and the Public Utilities Act and Colorado Common Carrier Act.

Their points of difference arise over the construction and interpretation of the following provisions of the statute:

Section 16 of Chapter 137, 1935 C. S. A., (1953 C. R. S., Sec.

115-3-3) provides that:

"Utilities To File Rate Schedules. Under such rules and regulations as the Commission may prescribe, every public utility shall file with the Commission within such time and in such form as the Commission may designate, and shall print and keep open to public inspection schedules showing all rates * * * together with all rules, regulations, contracts, privileges, and facilities which in any manner affect or relate to * * * service."

Section 17 of Chapter 137, C. S. A (1953 C. R. S., Sec.

115-3-4), provides that:

"Changes in rates -- Thirty days notice. Unless the Commission other wise orders, no change shall be made by any public utility in any rate * * * or in any rule, regulation, or contract relating to or affecting any rate * * * or service, or in any privilege or facility except after thirty days' notice to the Commission and the public as herein provided. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The Commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order * * *."

Rule 41 (a) of the Rules and Regulations Governing Common

Carriers by Motor Vehicle provides:

"Observance of Time Schedules. (a) All motor carriers doing business in the State of Colorado shall file in the office of the Public Utilities Commission of the State of Colorado, at Denver, Colorado, a copy of all schedules of the movement of vehicles on their respective routes, and thereafter, when a change is made in any schedule, the same shall be filed promptly with the Commission. This rule, however, will not apply where there is a curtailment of service or where the time schedule is specified as an express condition contained in the certificate of public convenience and necessity; in such case, the change shall be made on statutory notice in accordance with the Commission's Rules of Practice and Procedure." (Emphasis supplied).

Rule 18, and Appendix D of our Rules of Practice and Procedure, refer to procedure to change Tariff and Time Schedules of a * * * Motor Vehicle Common Carrier on thirty days' statutory notice and also provide for the changing of rates on less than thirty days' notice. Rule 41 simply directs the procedure to be followed in filing on statutory notice.

Tramway maintains that the above provisions of the statutes are not directly applicable to its operations, although common carriers are specifically included in the definition of "public utilities" by statute (C. R. S. Sec. 115-9-1 and 115-9-2). Denver argues, with some merit, that the use of the term "service" broadens the scope of the statutes so as to include "frequency of service." Tramway also calls attention to the fact that our Common Carrier Act contains no provision requiring a common carrier to give advance notice of changes in time schedules. However, Tramway, in its brief, concedes the general power of the Commission over its time schedules in the following language:

"We contend that such power is inherent in the Commission under the general jurisdiction over public utilities which has been conferred upon it. Such power can be exercised by the issuance of appropriate rules and regulations, but in our view has not been exercised to date."

Tramway and Denver agree, therefore, that the Commission has general jurisdiction over the time schedules of Tramway, provided such jurisdiction is exercised by the adoption of appropriate rules and regulations.

The question remains: "Do our rules and regulations require a common carrier by motor vehicle to give advance notice of changes in time schedules?"

Rule 18 C. (1) (a) and (c) of the Commission's Rules of Practice and Procedure, effective January 1, 1951, and since in effect, sets forth the procedure for making changes in time schedules involving curtailment of service. Said subsection (c) refers to Appendix D for a form to be used in applying for leave to change schedules on short notice. Said form is headed:

"Form of Application to Amend Tariffs and Time Schedules in Less than Thirty (30) Days Notice."
(Emphasis supplied).

Recognizing the possibility of a curtailment of service, such as proposed by Tramway on September 13, 1954, the Commission adopted Rule 41 (a) and Rule 18 (c) to provide the proper procedure. We are of the opinion that on September 13, 1954, the thirty-day rule requiring

the filing of time schedules and Rule 18 (c), construed in connection with Appendix D, were directly applicable to the filing of the service schedules of Tramway on the date mentioned.

At the time the cited statutes were enacted, and at the time of the adoption of our Rules and Regulations Governing Common Carriers and our Rules of Practice and Procedure, this Commission had no jurisdiction over the operations of Tramway within the City Limits of Denver, but did have jurisdiction over all of Tramway's lines (seven in number) extending beyond the City Limits. It is reasonable to assume that the Legislature had this latter jurisdiction in mind at the time of the enactment of Chapter 137, 1935 C. S. A., above cited. Why should we assume that, knowing of our jurisdiction over Tramway, although limited, and that Tramway was a public utility under our statutes, the intention of the Legislature was other than to include Tramway as one of the public utilities to be affected by Sections 16 and 17 of Chapter 137, above cited? And is it a violent assumption that this Commission had in mind its limited jurisdiction over Tramway when it adopted Rule 41 (a) above cited? The argument that Tramway's operations were not affected either by the statute or the rule is not persuasive.

Tramway contends that the existing law and rules relative to the filing of time schedules cannot, in practice, be complied with in connection with the operation of urban mass transportation. This view is not tenable, as Tramway, in connection with the operation of its outside lines prior to June, 1953, complied with the rules and regulations, and the other bus operators in Colorado -- either over-the-road or urban -- have experienced no difficulty in doing so. As a practical matter, the Commission does grant permission, upon application, to effect time schedule changes on twenty-four-hour notice, to such carriers as the railroads and bus lines, many times each month, without any reported hardships. And any major curtailments in service should be scrutinized carefully, and either allowed to go into effect or be suspended pending hearing, so that the interests of the public may be protected. So far as we are advised, the law and the rules and regulations

have not been burdensome to any of the other common carriers affected. Tramway had no difficulty in complying prior to June, 1953, and the Denver Charter Amendment of June 16, 1953, simply extended the applicability of the same law and rules to its operations within Denver.

Tramway contends that the rules referred to are meaningless, and unenforceable. The rules, as they apply to Tramway, are simply as follows:

Tramway shall file in the office of The Public Utilities Commission of the State of Colorado a copy of all schedules of the movement of motor vehicles on its respective routes, and thereafter, when a change is made in any schedule, the same shall be filed promptly with the Commission. This rule, however, will not apply where there is a curtailment of service. In such case, no change shall be made by The Denver Tramway Corporation except after thirty days' notice to the Commission and the public, as herein provided. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change, or changes, to be made in the schedule, or schedules, then in force, and the time when the change, or changes, will go into effect. The Commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order of the Commission.

If the Tramway intends only to adjust schedules to meet the needs of its patrons and the public, it shall immediately file with the Commission its proposed changes. If curtailment of service is involved, then, and in that event, Tramway shall give thirty days' notice; however, the rule also provides where good cause is shown, the Commission, by order, can permit the filing on shorter notice.

In our analysis of the above rule, we have endeavored to approach the problem through the eyes of management of Tramway, to determine if we have interfered or usurped managerial discretion. We cannot so find. We must remember when service is curtailed there is a taking away of basic right of Tramway patrons, and one of the basic reasons for regulation of public utilities is to protect those basic rights, and the

Commission does not propose to sit idly by when said rights are jeopardized. The Tramway contends that said rule is meaningless. We do not so find. Rather, we would say the rule is full of meaning as it pertains to the public and Tramway patrons.

The contention is further made that the rule is unenforceable. We have examined the record; we have listened to the testimony of Tramway officials; we have explored our past experience in regulation, and we cannot so find. Moreover, we are of the opinion that said rule is not arbitrary or capricious, and is enforceable.

We do not maintain, nor do we contend, that Rule 41 (a) is a well-designed rule for the guidance of Tramway specifically, and we feel that it does not adequately cover its operation. We have heretofore stated in our review of our regulation of Tramway:

"It has been our experience that the present existing rules and regulations were adequate and as a result, the Commission did not promulgate a set of rules applying particularly to urban transit utilities."

Nevertheless, there is a rule of the Commission which we believe covers generally the present situation, and that rule, in our judgment, is neither arbitrary nor capricious, and should have been complied with by The Denver Tramway Corporation.

We turn now to Question No. 2, which we will again re-state:

"Does the Tramway Corporation presently furnish, provide, and maintain an adequate, efficient, and reasonable service to take care of the requirements of its patrons and the public?"

To answer this question, we will review our observations as noted in our original investigation statement of December, 1953, where we said:

"We are persuaded by the evidence in this case that the Tramway has heretofore been providing a commendable standard of service under not altogether favorable conditions. One of such conditions is the diminution of patronage which appears to be typical of transit properties throughout the country, and the underlying causes thereof such as increased use of private automobiles, resulting traffic congestion during morning and evening peak hours, changes in working and recreational patterns occasioned by the trend

towards a five-day working week and the advent of television; and the substantial spreading out of the Denver metropolitan area since World War II."

As a result of that investigation, corrective measures were developed to meet the local problems; new routings, route extensions, re-routing and purchase of new equipment, were all prescribed. The files of the Commission indicate a substantial compliance with those recommendations. Fifty new Diesel buses have gone into service, and some 402,000 route-miles of travel on an annual basis were added. Letters of both approval and criticism have been received, and a continuing summary of monthly operating data has been maintained. We are now enabled to make a comparison of actual patronage, income, and expenses with the estimated data as offered in that hearing for the test year ending October 31, 1954:

	<u>Estimated Data</u>		<u>Actual or</u>
	<u>City Exhibit</u>	<u>Tramway Exh.</u>	<u>Current</u>
	<u>No. E-16</u>	<u>No. 45</u>	<u>Data</u>
Revenue Passengers	52,110,324	51,615,280	50,323,541
 <u>INCOME</u>			
Passenger Revenue	\$7,425,721	\$7,264,160	\$6,774,763
Other Operating Revenues	120,000	120,000	91,101
Total Operating Revenues -	\$7,545,721	\$7,384,160	\$6,865,864
 <u>EXPENSES</u>			
Operating Expenses	\$5,219,394	\$5,491,041	\$5,279,023
Depreciation	769,628	769,769	798,601
Depreciation (Credit as per Staff Exhibit 127)	(145,459)	(145,459)	(145,459)
Additional Expenses per Commission Statement	330,600		
Taxes (Excluding Federal Income)	457,870	437,040	321,985
Total Operating Expenses -	\$6,632,033	\$6,552,391	\$6,254,150
Net Operating Income -	\$913,688	\$831,769	\$611,714
Average Net Operating Income per Month -	\$76,141	\$69,314	\$50,976

Looking further at the operating statistics compiled in our monthly summary, we have the following for the Year 1954, including the deductions for interest on Funded Debt:

Month	Revenue Patronage	Total Mileage	Net Revenue
Jan.	4,316,639	1,064,890	\$12,064.
Feb.	4,009,877	986,707	35,580.
Mar.	4,385,995	1,101,549	46,398.
Apr.	4,234,587	1,062,945	49,108.
May	4,072,089	1,062,094	34,054.
June	4,082,048	1,066,633	29,278.
July	4,034,879	1,093,289	596.
Aug.	4,049,201	1,098,407	11,546.
Sept.	3,924,164	977,458	34,385.
Oct.	4,008,000	951,322	44,601.

Here we see the paradox of increasing mileage and decreasing patronage, coupled with a net revenue substantially less than the amount which we determined was necessary for a proper return required to provide a local transportation service.

It appears then that we are faced with the added determination of: "What does transportation service imply?" It is certainly fundamental that there must be riders in order to sustain a transportation service. There must then be a consideration of the needs of the riders, the areas to be served, and the times when the service should be provided. It is therefore with that concept in mind that we examine the testimony offered by customer witnesses, the staff investigation, and statements of Tramway. We first refer to the principal items in the proposed changes of September 13, 1954, which have been developed from Staff Exhibit No. 1 and Tramway data in the Commission's files.

These involve change in headways, turnbacks, replacements of trolleys by Diesel buses, or interspersal of the two forms of transportation, and new routes, re-routing, etc.

Looking now at the individual testimony, we note that Mr. George M. Kenmore, 100 Dexter Street, Denver, Colorado, states there is no need for the No. 4 Route east of Colorado Boulevard. He has only noted one or two passengers on the bus that formerly passed his house on a fifteen-minute schedule; that if the bus is to continue it should be re-located on Ellsworth Avenue. Regarding this area, no other testimony was given at the hearing. The Commission files indicate some five complaints against the curtailment as being a handicap for baby-sitter service during the hours 9:00 A. M. to 3:00 P. M.

Mr. Charles M. Cacic, 925 South Clarkson Street, Denver, Colorado, also uses No. 4 Route to go northward on Downing Street for night work on irregular shift hours at the Union Pacific Shops. His difficulty is in making transfer connections from Route No. 73--South Downing, since the No. 73 service is now routed through downtown, in response to demands for that service. The schedule as offered, however, is adequate for his needs when the transfer can be readily made to Route No. 4. His other request was for a return of the former through service of Route No. 73 along the full length of Downing Street.

Mr. Fred Koltfarber, 2316 South Emerson Street, Denver, Colorado, cited his need for a more direct route to Englewood by a southward extension of Route No. 73. This would be an exact duplication of a service now offered by the Bussard Bus Line. He asked also for more east-to-west feeder service, citing the breaks in Evans Avenue, Mississippi Avenue, and Alameda.

Other re-route proposals were offered by Mr. Earl R. Hahn, 1000 South Josephine Street, Denver, Colorado, relative to Routes Nos. 5, 58, 3, 18, and 33. His principal comment from a service standpoint was as to crowded buses on Nos. 5 and 9 Routes during the rush hours, with some "bunching" or close duplication of service by Nos. 73 and 11 Buses along East 11th Avenue.

The same "bunching" of the Routes Nos. 73 and 11 equipment was also noted by Mr. Milton P. Givens, 321 East 11th Avenue, Denver, Colorado. He reported rush-time crowding on Routes Nos. 3, 8, and 14. His request was for a fifteen-minute service on Sundays, as contrasted to the thirty-minute headway offered by Route No. 73.

Handicaps of limited Sunday and night service on Route No. 5 were reported by Mr. Manfred F. Bauer, 727 E. and C. Building, Denver, Colorado, who testified as a representative of the Brotherhood of Railway Clerks. Rush-hour crowding and lack of schedule dependability were other complaints of his membership. On Route No. 3, in-bound, it was his personal observation that there were no seats for people who boarded near town, since end-of-the-run riders always filled the bus.

Rush-hour crowding on Routes Nos. 5 and 50 was also reported by Mr. William A. McDonald, 845 South High Street, Denver, Colorado. He noted that school children were inclined to ignore special school buses, thereby depriving regular patrons of seats, and over-loading regular equipment.

In the matter of Route No. 55 feeder line service, Mrs. Helen L. Howard, 5071 Eliot Street, Denver, Colorado, offered extensive testimony relative to safety of operation, politeness and non-politeness of various drivers, and waiting at transfer connections. She cited instances where buses moved away at the same time that transferring patrons were attempting to make connections, indicating either driver-carelessness in not looking around, or transfer connections that were scheduled too closely. It was her belief that one-half-hour service on Sundays between 9:00 A. M. and 1:00 P. M. would be a proper convenience for the area, as compared to the present method of using No. 60-Argo to go into mid-town, and then return on a cross-town route. She stated further that she was a daily rider, and quite aware that No. 55 was not a heavily travelled line, but there are many patrons who have no other means of transportation, and therefore depend on this route.

Mr. H. C. Sebern, 3218 West Alameda Avenue, Denver, Colorado, spoke in behalf of the West Alameda Businessmen's Association. His request was to provide additional local service into the West Alameda, Federal Boulevard, and Knox Court business areas. He cited past instances where the Route No. 58 service was reduced to forty-minute headway during off-peak hours. He was not familiar with the current schedule that provides for twenty-minute base time service, and fifteen-minutes through the rush hours. An extension of the route to Sheridan Boulevard was also requested.

The local problem of the Swansea Area was presented by Mrs. Alice Schwieder, 5301 Colorado Boulevard, Denver, Colorado, a housewife, and Mr. Frank D. Butler, 4327 Milwaukee Street, Denver, Colorado, as President of the Elyria-Swansea Improvement Association. Mrs. Schwieder felt that the area was deserving of better service on the No. 23 line than

the 7:00 P. M. week-day cut-offs, and no Sunday service. She stated that, while a previous service on Larimer Street had been disagreeable, she was now willing to "use any route on wheels." Mr. Butler reported he had ridden the various lines affording access to the area, viz.: No. 9 -- York Street, "not too extra, only fair," with waiting times of five to nineteen minutes transferring from No. 14--Colfax to No. 9; No. 23--Brighton Boulevard "made fast time but buses were crowded at rush times;" previous headway of fifteen minutes on No. ~~75~~--Larimer Street was "O. K." Recommended a hub-type of central dispatching from the loop, and more express routes.

As an individual in the Swansea area, Mr. John L. Long, 4971 Clayton Street, Denver, Colorado, stated the discontinuance of night service on Route No. 23 compelled him to walk five blocks to the No. 9 Route in order to go to his place of employment on South Broadway. This service is also available on Sundays.

Mr. Lamont C. Weimer, 2329 Glenarm Place, Denver, Colorado, stated that in his work as a process server, he had occasion to ride on all routes in the City. He noted a loss of time in making transfers, and was able to get a seat about one-third of the time. Certain heavy lines were crowded regularly, but he could always get a seat on the feeder lines, Nos. 18, 55, and 60. He stated he preferred Tramway service since he could find no place downtown to park his automobile; that by bus he had served as many as seventeen summons in one day with a loss of only two hours' time. It was his recommendation that express service be considered for certain of the long lines, and headway times should not exceed eighteen or twenty minutes during the day.

At this point, we might summarize complainants' testimony regarding service shortcomings as being confined to:

1. Rush-hour crowding;
2. Loss of time at transfer points;
3. Local area demands for special service;
4. Occasional demands for night service; and
5. Requests for evening and Sunday service.

Relative to Staff Investigators' testimony, we note quite a wide coverage of the City in contacting employers regarding employees' tardiness or other complaints traceable to Tramway service. We note statements of approval from industrial representatives of U. S. Rubber Company, International Harvester Company, Safeway Distribution Center, Shwayder Brothers Manufacturing, Burkhardt Steel, and Norgren Company; instances of special services to the packing house area -- Swift, Armour, and Pepper -- and to the Finance Center, where some six hundred riders are handled daily.

In the cases where employees did come late, the time lost was due to poor connections at transfer points. Other complaints were to request added service on feeder lines, viz., Routes Nos. 58--Louisiana Avenue and Alameda, and No. 18. It appears also that the hospitals report needs for increased service during shift changes. Increased service through the week is requested for the new Cherry Creek Shopping Area by Sears-Roebuck and Company, The Denver Dry Goods Company, and Miller's Super Market.

Supplementing the above statements, we have the individual comments of Tramway riders as developed from the staff questionnaire.

We are aware of certain shortcomings in this type of inquiry, namely, not all questionnaires are returned; not all questions are fully answered; it offers a means of voicing personal grievances and many instances of satisfactory or good service are not reported. There is the further consideration that only a small segment of the total riding public has been contacted; however, we feel the data developed in a final summary is of sufficient importance to be included herein, as an indication of the patrons' response to the questions of adequate service:

SUMMARY OF QUESTIONNAIRE REPLIES

Routes	Number of Replies	Seated				Proper Working Schedule		Change In Working Hours		Ex-press	Add Rush AM	Add Rush PM	Add Serv. Night	Night Buses To End of Line	Buses Bunch	More Serv. Sun.	More Serv. Sat.	Ex-tend Line	Non-Polite Drivers	Add Serv-ice Base	More School Buses	Loss Time Trans-fer
		AM	No	Yes	PM	Yes	No	Yes	No													
3	168	75	82	56	78	54	98	19	72	21	63	69	17	0	2	7	5	7	2	0	4	16
4	92	32	30	21	29	8	90	4	23	4	35	30	9	0	0	16	10	5	1	3	2	28
5	139	74	59	38	72	39	69	17	58	16	43	53	13	1	3	10	1	2	1	3	2	8
6	248	120	110	64	185	79	129	28	106	21	96	122	30	0	6	18	9	2	7	4	10	17
8	191	103	82	65	84	57	107	18	79	18	77	90	18	0	3	9	1	9	1	1	1	18
9	93	43	43	22	26	16	73	5	38	0	42	32	9	0	1	12	8	1	2	1	0	12
11	197	90	100	52	115	62	103	14	79	6	83	92	26	3	4	20	9	4	3	4	0	7
13	382	214	158	121	173	132	180	26	140	22	124	141	41	1	8	34	19	5	5	2	0	23
14	283	132	131	58	122	103	145	18	125	36	64	65	13	1	6	6	6	3	3	0	3	18
15	41	26	7	10	13	5	21	5	14	0	9	10	5	0	0	8	9	7	1	1	1	10
18	21	11	8	8	10	4	16	6	9	2	11	10	2	0	0	2	1	1	0	2	0	4
23	42	32	6	11	17	17	18	2	23	0	12	16	4	1	0	6	1	0	0	1	0	0
28	142	84	38	39	65	26	70	8	35	5	42	50	16	1	4	12	10	0	1	2	0	20
40	111	59	35	46	38	31	63	8	40	8	26	37	12	0	0	6	4	0	1	0	0	11
50	80	46	26	20	33	22	50	15	46	0	32	38	3	1	1	2	1	1	1	0	2	10
55	19	7	10	3	10	4	13	1	11	3	6	6	3	0	0	6	1	1	0	0	0	5
58	37	17	17	10	19	5	27	4	18	4	11	8	3	0	0	4	4	6	0	2	0	3
60	99	52	45	11	61	35	48	10	38	5	35	47	12	0	3	3	6	7	2	5	2	3
64	100	64	46	31	73	47	75	10	60	3	48	53	12	3	0	11	6	7	2	1	0	9
73	85	54	28	26	42	15	57	8	40	6	28	32	7	1	3	8	1	1	2	0	0	15
75	48	33	10	10	29	14	26	4	20	0	8	14	2	0	0	1	0	1	1	0	0	4
82	22	14	8	10	7	2	18	2	8	0	14	13	1	1	0	0	0	2	0	0	0	0
84	17	15	3	11	6	3	9	1	6	2	4	5	1	0	0	0	0	0	0	0	0	2
Totals	2657	1397	1082	743	1307	780	1505	233	1088	182	913	1033	259	14	44	201	112	72	36	32	27	243

At this point we again note:

1. Rush-time crowding, morning and evenings;
2. No willingness of employees toward a change in working hours;
3. Less than ten per cent requesting more Sunday service;
4. Greatest loss of transfer time appears on Route No. 4, on some thirty per cent of the replies.

In the matter of Tramway testimony, we note first that extensive changes have been made in supervisory personnel, and there is the addition of a new General Manager. Again, we are reminded of testimony in our original investigation where Traffic Consultant Arthur C. Jenkins recommended the creation of a General Manager type of management coordination.

We take the liberty to now quote the old adage: "A new broom sweeps clean," and make the observation that in the instant matter, sweeping changes in the form of schedule reductions and operating personnel lay-offs are offered as a sincere remedy for our initial paradox of increasing Tramway mileage and expense with declining patronage and revenue.

Tramway Exhibit M, consisting of some two hundred sheets of graphical data, was offered to reflect passenger counts at major peak points and control points along the various lines, to show also the number of seats provided in the July service and number of seats to be provided by the September schedule changes. Here we see the efforts of new management to familiarize themselves with the over-all operation of Tramway.

At this time in our continuing investigation, we are also able to observe that many of the original adjustments have since been altered as the new management developed a better comprehension of local routes and conditions. Notably, original rush-hour reductions in service have been largely eliminated since September 13, 1954, by additional schedules, as noted in new schedule filings of added service, and some eighty-five per cent of the operating personnel has been put back to work.

We have reviewed in our discussion Questions Nos. 1 and 2, and now find ourselves asking the question: "What brought about the situation wherein service has been curtailed?" Management, in the hearing before us, contends that they were forced to lower their operating costs or ask for increased fares. Our investigation discloses there is some merit in their position. The time has come when the public interest requires that the company make a sincere and vigorous effort to better its earning position by attempting to attract more patronage to its present services. Curtailment and elimination of service do not attract new customers nor retain present patronage. On the other hand, the record in our present investigation clearly indicates that increased fares eventually will result in a level of patronage so low that further curtailments will be necessary and, therefore, in our judgment, detrimental to the public interest.

The importance of mass transit company services to downtown business -- from hole-in-the-wall shops to big department stores -- is readily apparent, since all are dependent, in a considerable measure, on the buses and other mass transit vehicles to bring their customers and employees to them. Some of the current headaches of downtown merchants are directly traceable to the falling off in the use of public transit.

Less public transportation means more passenger cars clogging the streets. That, in turn, means more money spent to solve the already nearly insolvable problems of street widening, one-way streets, and off-street parking construction that now prevail in the City and County of Denver.

We must also keep in mind that there are many people living in the Denver Metropolitan Area who are dependent solely upon the services of Tramway for their transportation. These people have no alternative transportation except the higher priced taxi service which they cannot afford, so even with increased fares, they will still use Tramway service. There are other persons who are not dependent upon Tramway for their transportation. They have their own private automobiles,

and if Tramway fares are excessively high, or the service poor or inadequate to meet their convenience, they resort to the use of their own cars. This group of people, if they could be induced to use Tramway service, would add to Tramway's income. However, higher fares and inadequate or poor service repel these potential riders, thereby reducing the riders to those who must, of necessity, use Tramway service. The Commission, in its former order, tried to correct this situation by ordering the procurement of additional equipment and extension of various lines and new lines to provide improved service. We recognized at that time that the congested condition of the downtown streets of Denver would hinder good mass transportation, but felt that by the co-operation of the interested parties, and through our Service Committee, this whole problem might be partially solved. In this we were disappointed, as the use of increased facilities and service to additional territory failed to attract the number of new riders anticipated. In fact and in truth, the Tramway Corporation shows a continued decrease in patronage -- that is, fewer passengers rode the Tramway the last year than they did the year previous. It therefore appears that the Company is faced with two alternatives: To inaugurate a gradual abandonment of mass transit service, or to make service more attractive to its patrons.

Our investigation clearly discloses that mass transportation in Denver is a peak-load operation which is becoming more costly every year, and the Tramway patrons will continue to be faced with rush-hour crowding, due to the economic limitations involved.

Therefore, we must conclude that the current service -- that is, the schedules instituted on September 13, 1954, in view of the unavoidable problems involved, are presently adequate to meet the reasonable requirements of its present patrons and the general public.

The question now presents itself to the Commission as to what recommendations and orders the Commission may make that would prove beneficial to the problem facing The Denver Tramway Corporation and its patrons.

The Commission recognizes that abandonment, curtailment, and adjustment of schedules are in the first instance primarily the responsibility of management, with which the Commission should not interfere except in unusual situations indicating an abuse of managerial discretion. However, there is a responsibility placed by the voters of Denver upon the Commission. We realize that our present rules do not adequately cover all phases of the operation of The Denver Tramway Corporation. The Commission has been considering the development of rules covering the urban transit industry generally, and is presently making studies as to what these rules should include. We have companies operating in small cities as well as in the City of Denver, and said rules can only be made after extensive hearings and studies. In the meantime, our problem in Denver remains unanswered, so it is our best judgment that the present problem should be answered by Order of the Commission.

While the Rules and Regulations of the Commission are considered by the Commission as directly applicable to the operations of Tramway, we realize that they are subject to misconstruction and that in their preparation the problems involved in the operations of urban transportation were given insufficient consideration. Because of change in management and rapidly developed plans for substantial changes in operations, the Commission feels ~~that~~ Tramway should be excused for its failure to comply with the Rules and Regulations of the Commission in the present instance, but that a rule should now be promulgated by the Commission to control further instances of this nature. We are impelled to say that since the Commission has been given jurisdiction over all the operations of Tramway, its management has kept the Commission advised of its plans in detail to improve its service to its patrons, and has fully cooperated with the Commission and with the Service Committee referred to, to that end. Its present relations with its patrons, its employees, the City and County of Denver, the Commission, and the public, are the best in its history, and we believe that an earnest effort is being made to provide an efficient and satisfactory urban transit system.

F I N D I N G S

THE COMMISSION FINDS:

1. That management of The Denver Tramway Corporation should continue to give continued supervisory attention to the improvement of "on-time" performance of buses.

2. That, except during peak periods, vehicles passing peak load points during any thirty-minute period should contain as many seats as there are passengers carried on said vehicles. During morning and evening peak periods, an average loading resulting in 150 per cent passenger-to-seat ratio should not be exceeded during any half-hour interval.

3. That greater care should be taken in compiling schedules so as to eliminate long waits on transfers to urban and suburban lines with headways in excess of fifteen minutes.

4. That this proceeding be held open for such further hearings and the entry of such further orders as may be required.

5. That additional studies should be made on lines operating with substantial losses.

6. That present schedules of The Denver Tramway Corporation, while they may work hardships on some of its patrons, are presently furnishing, providing, and maintaining an adequate and reasonable service to take care of the requirements of its patrons and the public.

7. That The Denver Tramway Corporation, on its September 13, 1954, filing of schedules, violated the Rules and Regulations of the Commission; but because of the particular mitigating circumstances then existing, and a demonstrated lack of wilfulness in such violations, no punitive action should be taken by the Commission for such violations.

8. That reductions in service will require prior filings of reduction in service other than peak period service, as hereinafter set forth in our Order.

9. That the facts which may have a bearing on the above Findings as set forth in the above and foregoing Statement are, by reference, made a part of these Findings, and incorporated herein.

O R D E R

A public hearing having been held in the above-entitled proceeding, and based on the conclusions heretofore set forth:

IT IS ORDERED THAT:

1. The management of The Denver Tramway Corporation continue to give supervisory attention to the improvement of "on-time" performance of buses and trolley coaches.
2. The Denver Tramway Corporation shall maintain minimum passenger load standards of a seat-per-passenger average during off-peak and night periods. Standees shall not exceed fifty per cent of the seats provided by half-hour intervals during morning and peak periods.
3. The Denver Tramway Corporation endeavor to correct long waiting periods on transfers to urban and suburban lines where headways are in excess of fifteen minutes.
4. Until further order herein, The Denver Tramway Corporation shall continue to file in the office of The Public Utilities Commission of the State of Colorado, in Denver, Colorado, a copy of all schedules of the movement of buses and/or trolley coaches on its respective routes, and thereafter, when a change is made in any schedule, or schedules, the same shall be promptly filed with the Commission.

When any schedule change, or changes, are contemplated which will result in a reduction of service on any line, or lines, to such a point that the resulting headways will exceed twenty minutes on such line, or lines, then this rule is extended to specify that no such operating changes shall be made except after seven days' notice to the Commission and the public, as herein provided. Such notice shall be given by filing with the Commission and keeping open for public inspection, new schedules stating plainly the change, or changes, to be made in the schedule, or schedules, then in force, and the time when the proposed change, or changes, will go into effect. After investigation of the proposed change, and examination of protests, if any, said change may become effective, as proposed, unless suspended by the Commission.

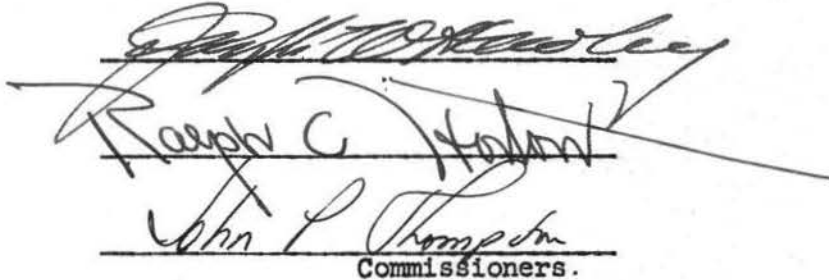
Further, the Commission, by its order, and for good cause shown, may allow the proposed change to become effective without requiring the seven (7) days' notice herein provided for.

This rule will not apply in case of an emergency, or where compliance is beyond the control of the operator.

5. That this proceeding be held open for such further hearings and the entry of such further Orders as may be required.

The effective date of this Order shall be twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 12th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF COLORADO CENTRAL POWER COMPANY
3470 SOUTH BROADWAY, ENGLEWOOD,
COLORADO, FOR AUTHORITY TO ISSUE
AND SELL 10,000 SHARES OF COLORADO
CENTRAL POWER COMPANY $4\frac{1}{2}\%$ CUMU-
LATIVE PREFERRED STOCK OF THE PAR
VALUE OF \$100 PER SHARE.

APPLICATION NO. 13356
Securities

April 12, 1955

S T A T E M E N T

By the Commission:

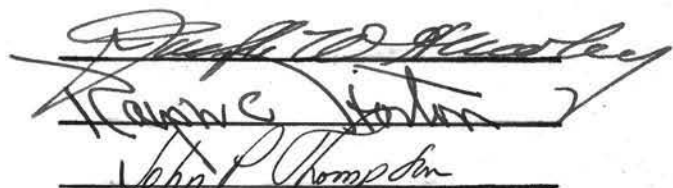
Upon consideration of the application filed April 11, 1955, by
Colorado Central Power Company, a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on April 22, 1955, at
9:30 O'clock A. M., 330 State Office Building, Denver, Colorado, respect-
ing the matters involved and the issues presented in this proceeding. Any
interested municipality or any representative of interested consumers or
security holders of applicant corporation, and any other person whose
participation herein is in the public interest, may intervene in said
proceedings. Intervention petitions should be filed with the Commission
on or before April 18, 1955, and should set forth the grounds of the pro-
posed intervention, and the position and interest of the petitioners, in
the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF)	
CERTAIN GAS AND ELECTRIC RATES FOR)	
THE CITY OF COLORADO SPRINGS, DE-)	
PARTMENT OF PUBLIC UTILITIES, 18)	INVESTIGATION AND SUSPENSION
SOUTH NEVADA AVENUE, COLORADO)	<u>DOCKET NO. 374</u>
SPRINGS, COLORADO, AS SAID RATES)	
APPLY TO CUSTOMERS OUTSIDE THE)	
CITY LIMITS OF SAID CITY.)	
-----)	

April 12, 1955

Appearances: F. T. Henry, Esq., Colorado
Springs, Colorado, and
Louis Johnson, Esq., Colorado
Springs, Colorado, for the
City of Colorado Springs;
William A. Baker, Esq., Colorado
Springs, Colorado, for the Tri-
Community Civic Association;
Anthony L. Mueller, Esq., Denver,
Colorado, and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On February 28, 1955, Mr. H. A. Galligan, Commercial
Manager of the Department of Public Utilities of the City of
Colorado Springs, filed with the Public Utilities Commission of
the State of Colorado certain changes in its Colorado P. U. C.
Tariff No. 1, natural gas rates and certain changes in its Colo-
rado P. U. C. Tariff No. 2, electric rates, proposing by said
filings to increase said gas and electric rates outside the cor-
porate limits of the City of Colorado Springs, to become effective
April 1, 1955.

By Decision No. 44008 of February 28, 1955, the Commission
suspended both proposed electric and gas rates as filed for a
period of 120 days from February 28, or until June 28, 1955, unless

otherwise ordered. The matter was set for hearing before the Commission on March 11, 1955, in the County Court Room in Colorado Springs, Colorado, and at said time and place was heard by the Commission, and at the conclusion of the hearing, the matter was taken under advisement.

The City of Colorado Springs is a Home Rule City under Article XX of the Constitution of the State of Colorado, and it owns and operates its own utility services for water, gas, electric and sewage disposal. As to its electric and gas services, it holds certificates of public convenience and necessity from this Commission to render said service in certain territories outside the city limits of said city. Applicant (City of Colorado Springs), as to said electric and gas operations under its certificates outside the city limits of Colorado Springs, is under the jurisdiction of this Commission.

In its application, Applicant has stated, in effect, that due to the increased cost of natural gas from its supplier, the Colorado Interstate Gas Company, it has become necessary to apply to this Commission for a temporary increase in both its electric and gas rates. The impact of the increased cost of gas for boiler fuel which Applicant uses to generate electricity is one of the principal reasons for the proposed increase in its electric rates.

Testimony at the hearing revealed that since 1953, the City has received three increases in its wholesale rates for natural gas by reason of Colorado Interstate Gas Company applications before the Federal Power Commission. The first two increases received by the City were not passed on to its customers, since the City absorbed the increased cost of gas both for its gas for resale and for the boiler fuel for electric generation. With the advent of the third gas rate increase, starting February 1, 1955, the City decided to make an application to this Commission to pass on a part of the increased cost of gas it has received as a result of the three wholesale gas rate increases.

The full amount of the cost of gas to Applicant for boiler fuel, interruptible gas for industrial use, and for natural gas for resale as a result of the three rate increases on an annual basis amounts to \$914,447.99. Of this total amount, \$185,621.88 represents the increased cost of gas for electric generation, and \$42,650.60 the increased cost of gas for industrial sales on an interruptible basis, the balance, being the amount of \$686,175.51, represents the increased cost of gas for residential and commercial use. By the rate schedules submitted, the Applicant proposes to pass on to its commercial and residential gas customers a temporary rate increase, amounting to approximately \$400,000. The proposed electric rates would pass on \$24,564.65 in increased cost of natural gas for boiler fuel. All of the proposed increases are pro-rated between the customers within the City which are non-jurisdictional and the customers outside of the City over which this Commission has jurisdiction. There were certain other adjustments in operating expenses that the City proposed in addition to the change in natural gas rates, but the gas rate portion is the largest single item sought to be adjusted by the proposed rates.

Turning our attention first to the testimony given by the City witnesses in regard to its proposed gas rate increases, we find that certain allocations of plant, property, income and expenses were made. These allocations first had to be determined so that the separation could be made between the jurisdictional and non-jurisdictional business.

Exhibit No. 3 submitted at the hearing by Applicant shows a ~~provisional rate base~~ **provisional rate base** computation for the gas department allocated as between city and suburban operations. This exhibit shows that if an adjustment for increased cost of gas in the amount of \$462,158.60 is made, the overall rate of return for jurisdictional and non-jurisdictional business would be 8.11%. This figure is further broken down to show that by the City's allocation, a rate of return for city business would amount to 12.03%, while the suburban is only 1.91%. Staff Exhibit S-6 submitted at the hearing shows that for the combined operation, that is, city and suburban business, Applicant

would have made a rate of return of 11.4% after absorbing an increased cost of gas in the amount of \$400,000. The staff allocation between city and suburban of this exhibit shows the city or non-jurisdictional business earning 14.3%, and the suburban, or jurisdictional business, earning 6.8%. It was further brought out on ~~cross~~-examination that in its exhibit the City has included as revenue inside the City, the revenue from Fort Carson which lies outside of the City. The statement was made by the witness that the gas line serving Fort Carson had been fully amortized, and therefore the revenue accruing to the line was credited to the City. If any or all of this jurisdictional revenue is credited to the suburban customers, the rate of return would be more than 6.8%, as shown on Staff Exhibit S-6. The staff, in this exhibit, has also included all of the expenses as shown by the City, including an item of taxes charged by the City to its customers outside of the City as an operation expense. The city witness, on cross-examination, admitted that the City did not pay any taxes, Federal or State income, or property taxes. It has been the custom, however, for the City to charge as an expense, the item of taxes since it in turn pays this item from the gas department into the general fund. If an adjustment were to be made in the operating expenses of the gas department deleting any or all of this so-called tax expense, the rate of return accruing to the jurisdictional or suburban business would be further increased over the 6.8% as shown on Exhibit S-6.

The witness for Applicant submitted Exhibit 1-H, purporting to show the rate base and rate of return for the electric department, together with breakdown of city and suburban business. On the basis of the overall rate of return, the exhibit shows 6.32%, allocated 9.96% return on city business and 2.86% return on suburban business. This exhibit is based on the actual figures for the Year 1954, with no adjustments being made for the increased cost of gas or other known increased costs. Staff Exhibit S-1 for the same period of time,

shows approximately the same rates of return with only minor differences. Staff Exhibit S-2 reallocated the expenses for the electric division between jurisdictional and non-jurisdictional, and also includes an amount of \$24,564.65, for the increased cost of boiler fuel and arrives at a rate of return for non-jurisdictional of 10.52%, and a rate of return of 4.06% for jurisdictional business. Staff Exhibit S-4, by making certain adjustments for the taxes charged the electric customers in the suburban area, increases the rate of return on the jurisdictional business from 4.06% to 6.34% if the 61.3 mill levy used by the City to calculate taxes is reduced to 15.3 mills.

The City, in its application to the Commission and in the testimony given at the hearing, has stated that the purpose of the proposed increased rates is to increase said rates on a temporary basis, pending such time as the City could prepare and file with the Commission an application for a determination of a rate base and the rate of return to which it might be entitled on its jurisdictional business. We have approached this matter with this statement in mind as we realize that in a full scale rate hearing we would have before us a much more detailed record on methods of allocation, of plant and property and of income and expenses. Since the present matter is in the nature of a temporary increase, we have not endeavored to prolong these proceedings in order to obtain more detailed information. The City witness has indicated that in a full scale hearing the allocation proposed by the City might be other and different than those shown herein. Bearing all of these things in mind, we feel, however, that we do have sufficient information on the present record to make a decision with respect to the application as regards the proposed temporary increases.

It is apparent to us that as far as the proposed increase in rates for gas service is concerned, the City has failed on the evidence, to prove the necessity for said increase. We have indicated in our Statement certain adjustments that might be made in regard to jurisdictional gas revenues and expenses. If these adjustments were made,

they would show a greater rate of return on jurisdictional business and would further support our findings that the need for a temporary increase in the gas rates outside the City is unnecessary.

We believe that in the case of the proposed electric increase the City has shown sufficient justification to allow the temporary increase. We will permit the proposed electric rates to be filed in our Order to follow.

The Commission at this time is not passing on what rate of return applicant is entitled to on its jurisdictional business. This, and other matters that might be controversial, will be decided in the future contemplated proceedings when presented.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the Commission has jurisdiction of the matters contained in the instant application as they apply to all customers and territory outside the City limits of the City of Colorado Springs.

That the proposed increased rates as set forth in Applicant's Exhibit No. 5, being natural gas rates for domestic or commercial service, First Revised Sheet No. 2 and First Revised Sheet No. 4 of Colorado P. U. C. Gas Tariff No. 1, are discriminatory, unjust, unreasonable, and should not be permitted to become effective.

That the proposed electric rates as set forth in the tariffs enumerated below are just, reasonable, non-discriminatory and non-preferential, and should be permitted to become effective when filed in accordance with the Order to follow.

That the proposed tariffs for electric rates set forth in Applicant's Exhibit No. 6 as a part of its Colorado P. U. C. Tariff No. 2 are designated by sheets numbered as follows:

Electric Rates, Colorado P. U. C. No. 2

First Revised Sheet No. 3
Cancels Original Sheet No. 3

First Revised Sheet No. 4
Cancels Original Sheet No. 4

Electric Rates, Colorado P. U. C. No. 2
(Continued)

First Revised Sheet No. 5
Cancels Original Sheet No. 5

First Revised Sheet No. 6
Cancels Original Sheet No. 6

First Revised Sheet No. 8
Cancels Original Sheet No. 8

First Revised Sheet No. 9
Cancels Original Sheet No. 9

First Revised Sheet No. 10
Cancels Original Sheet No. 10

First Revised Sheet No. 11
Cancels Original Sheet No. 11

First Revised Sheet No. 12
Cancels Original Sheet No. 12

First Revised Sheet No. 13
Cancels Original Sheet No. 13

First Revised Sheet No. 14
Cancels Original Sheet No. 14

First Revised Sheet No. 15
Cancels Original Sheet No. 15

First Revised Sheet No. 16
Cancels Original Sheet No. 16

First Revised Sheet No. 18
Cancels Original Sheet No. 17

First Revised Sheet No. 19
Cancels Original Sheet No. 19

First Revised Sheet No. 22
Cancels Original Sheets Nos. 22-23-24

First Revised Sheet No. 22-A
Cancels Original Sheets Nos. 22-23-24

First Revised Sheets Nos. 20-21
Cancel Original Sheets Nos. 20-21

First Revised Sheet No. 23
Cancels Original Sheet No. 23

First Revised Sheet No. 24
Cancels Original Sheet No. 24

That this Commission should retain jurisdiction of this matter
to make such further order, or orders, as may be necessary in the
premises.

O R D E R

THE COMMISSION ORDERS:

That the proposed increased rates for natural gas service for domestic or commercial service, as set forth in Applicant's Exhibit No. 5, being First Revised Sheet No. 2 and First Revised Sheet No. 4, of Colorado P. U. C. Gas Tariff No. 1 of the City of Colorado Springs, Department of Public Utilities, are discriminatory, unjust, unreasonable, and are hereby not permitted to become effective.

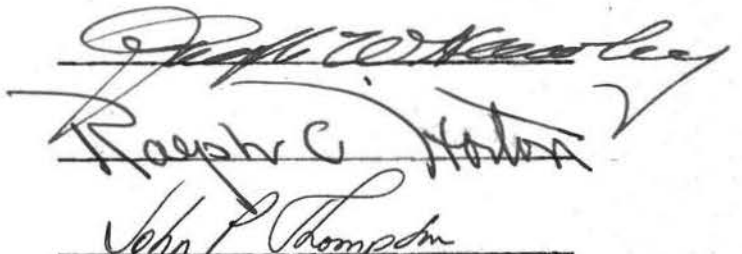
That the proposed electric rates, as set forth in Applicant's Exhibit No. 6, for electric service, being a part of Colorado P. U. C. Electric Tariff No. 2, of the City of Colorado Springs, Department of Public Utilities and as set forth in the above Findings, are just, reasonable, non-discriminatory, and non-preferential, and should be permitted to become effective as set forth herein.

That the proposed increased electric rates be permitted to be filed subsequent to the effective date hereof to become effective on not less than one (1) day's notice, in accordance with the provisions of the Public Utility Act of the State of Colorado.

That this Commission retain jurisdiction of this matter to make such further order, or orders, as may be necessary in the premises.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 12th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALFRED HURTADO, 3314 GILPIN)
STREET, DENVER 5, COLORADO.) PERMIT NO. B-4314
-----)

April 15, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-4314 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

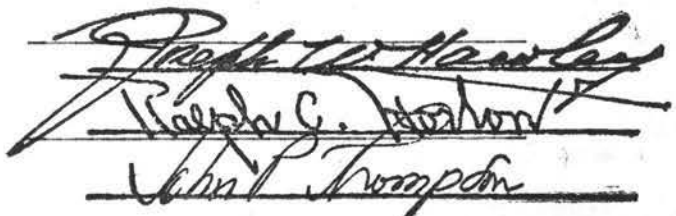
O R D E R

THE COMMISSION ORDERS:

That Alfred Hurtado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4314 until October 11, 1955.

That unless said Alfred Hurtado 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 15th day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD NELSON, 3317 WEST BROAD-)
WAY, COUNCIL BLUFFS, IOWA.)
-----)

P. U. C. No. 2734-I

April 15, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder, requesting that his PUC-2734-I be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Edward Nelson be, and he is hereby, authorized to suspend his operations under PUC-2734-I until October 17, 1955.

That unless said Edward Nelson 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

Frank T. Hawley
Joseph S. Gordon
John T. Thompson

Dated at Denver, Colorado,
this 15th day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
JOHN G. RIEDESEL, DOING BUSI-)	PUC NOS. 1619 AND 1619-I
NESS AS "RIEDESEL TRUCK LINE,")	<u>PUC NOS. 600 AND 600-I</u>
KIRK, COLORADO.)	
- - - - -)	

- - - - -
April 14, 1955
- - - - -

S T A T E M E N T

By the Commission:

John G. Riedesel, doing business as "Riedesel Truck Line,"
Kirk, Colorado, is presently the owner and operator of the following
operating rights:

PUC No. 1619, authorizing:

transportation of commodities, generally, on
schedule, between the City and County of Denver,
and the Towns of Joes and Kirk, all in the
State of Colorado;

transportation of commodities, generally, on
call and demand, from point to point within a
radius of 15 miles of Kirk, and between points
in said area and all other points in Colorado;

PUC No. 1619-I, authorizing:

transportation of freight by motor vehicle as a
common carrier in interstate commerce only be-
tween all points in Colorado within a radius of
one hundred fifty (150) miles of Kirk, Colorado,
and the Colorado State boundary line where all
highways cross the same within the above limits,
subject to the provisions of the Federal Motor
Carrier Act of 1935;

PUC No. 600 and PUC No. 600-I, authorizing:

transportation of freight in both intrastate and
interstate commerce from point to point within a
twenty (20) mile radius of Kirk, and between points
within said twenty (20) mile radius and points be-
yond said radius and within a radius of sixty (60)
miles of Kirk, and for the transportation of live-
stock from points within said twenty (20) mile radius
to Denver, subject to the condition hereafter stated:
The applicant shall not transport any freight between
any towns located in either the twenty (20) mile radius
or the sixty (60) mile radius of Kirk, and that all
freight transported by him must either originate or
terminate on a farm or ranch. That no operation on
schedule shall be conducted. The interstate oper-
ating rights are subject to the Federal Motor Carrier
Act of 1935.

The Commission is now in receipt of a communication from said certificate-holder, requesting that said operating rights be consolidated, said consolidated operation to be known as "PUC No. 1619 and PUC No. 1619-I, and that PUC No. 600 and PUC No. 600-I be cancelled and revoked.

F I N D I N G S

THE COMMISSION FINDS:

That said requests should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed to change the Commission's records showing operating rights under PUC No. 1619 and PUC No. 1619-I to read as follows:

Transportation of commodities, generally, on schedule, between the City and County of Denver, and the Towns of Joes and Kirk, all in the State of Colorado;

Transportation of commodities, generally, on call and demand, from point to point within a radius of 15 miles of Kirk, and between points in said area and all other points in Colorado;

Transportation of freight by motor vehicle as a common carrier in interstate commerce only between all points in Colorado, within a radius of one hundred fifty (150) miles of Kirk, Colorado, and the Colorado State boundary line where all highways cross the same within the above limits, subject to the provisions of the Federal Motor Carrier Act of 1935;

Transportation of freight in both intrastate and interstate commerce from point to point within a twenty (20) mile radius of Kirk, and between points within said twenty (20) mile radius and points beyond said radius and within a radius of sixty (60) miles of Kirk, and for the transportation of livestock from points within said twenty (20) mile radius to Denver, subject to the condition hereafter stated: The applicant shall not transport any freight between any towns located in either the twenty (20) mile radius or the sixty (60) mile radius of Kirk, and that all freight transported by him must either originate or terminate on a farm or ranch. That no operation on schedule shall be conducted. The interstate operating rights are subject to the Federal Motor Carrier Act of 1935,

being a consolidation of operating rights formerly known as "PUC No. 600 and PUC No. 600-I," as requested by John G. Riedesel, doing business as "Reidesel Truck Line," Kirk, Colorado, owner thereof, said


consolidated operation to be known as "PUC No. 1619 and PUC No. 1619-I."

That PUC No. 600 and PUC No. 600-I should be, and the same hereby are, cancelled and revoked.

That the interstate operating rights herein are subject to the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph W. Kearney
Ralph C. Horton
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
N. L. CHRISTENSON, 1659 BOULDER)	<u>PERMIT NO. B-4275</u>
STREET, DENVER 11, COLORADO)	
-----)	

April 15, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-4275 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That N. L. Christenson, be, and he is hereby, authorized to suspend his operations under Permit No. B-4275 until October 13, 1955.

That unless said N. L. Christenson 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 the 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 15th day of April, 1955.

original

(Decision No. 44159)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, RULES)
AND REGULATIONS IN THE MOTOR TRUCK)
COMMON CARRIERS' ASSOCIATION, AGENT,)
FREIGHT TARIFF NO. 12, COLORADO PUC)
NO. 6, ISSUED BY J. R. SMITH, CHIEF)
OF TARIFF BUREAU, 407 DENHAM BLDG.,)
DENVER 2, COLORADO.)

CASE NO. 1585

April 14, 1955

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective April 22, 1955, designated as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

The establishment of a rule permitting combining of livestock shipments at the truckload rate from, to and between points within a 50 mile radius of Grand Junction, Colorado; from, to and between points within a 75 mile radius of Montrose, Colorado, will constitute a decrease in the shippers favor.

The establishment of an exception permitting the use of plains scale of rates on livestock between points located on or within 5 miles on either side of U.S. Highway No. 50 between Montrose and Grand Junction constitutes a decrease in the shippers favor.

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.


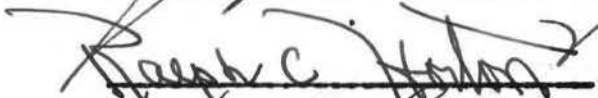

O R D E R

THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on April 22, 1955, be the prescribed rates, rules, regulations and provisions of the Commission.
4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. On and after April 22, 1955, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.
6. On and after April 22, 1955, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.
7. 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 and liabilities applicable to a motor vehicle common carrier.
8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. 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 14th day of April, 1955.

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"APPENDIX A"

1. To establish the following rule governing rates on movements of Livestock for account of all carriers:

(Applies on movements from and to points in the San Luis Valley; between all points in plains territory located in Baca, Bent, Crowley, Kiowa, Las Animas, Otero, Prowers, Pueblo Counties and that part of Huerfano County on and east of U. S. Highway No. 85; from, to and between points within a 50 mile radius of Grand Junction; from, to and between points within a 75 mile radius of Montrose.)

In the event any single shipper does not have sufficient tonnage to enable him to take advantage of the truckload 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 one hundred (100) 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 pick-up charge. (See Note)

NOTE: Subject to the basis for less-than-truckload rates, provided in Exception No. 1 when the movement is from or to points in the San Luis Valley.

2. To establish the following exception for the account of Orville Dunlap and Harold Ross Dunlap, D/B/A Orville Dunlap and Son and W. A. Hamilton and John A. Doyle, D/B/A Doyle & Hamilton:

The plains scale of rates will apply on local movements of livestock between points located on or within 5 miles on either side of U. S. Highway 50 between Montrose and Grand Junction, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES F. GILBERT, 364 SHERMAN)
STREET, DENVER 3, COLORADO.)

PERMIT NO. B-4368

April 18, 1955

S T A T E M E N T

By the Commission:

On March 25, 1955, the Commission authorized Charles F. Gilbert, Denver, Colorado, to suspend operations under his Permit No. B-4368 until September 22, 1955.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

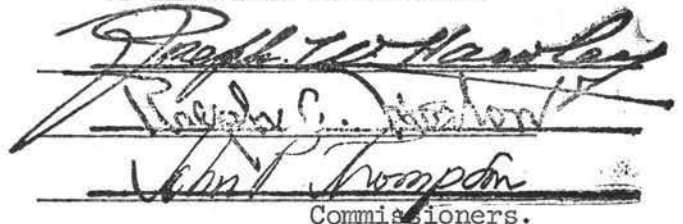
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. 4368 should be, and the same hereby is, reinstated as of April 14, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OSCAR W. ANDERSON, P. O. BOX)
728, MOAB, UTAH.)

PERMIT NO. B-1620

April 18, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-1620 be suspended for six months from April 12, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Oscar W. Anderson, Moab, Utah, be, and he is hereby, authorized to suspend his operations under Permit No. B-1620 until October 12, 1955.

That unless said permit-holder 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 18th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED L. HASBROUCK, HOLDREDGE,) PUC No. 2079-I
NEBRASKA.)

April 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his PUC No. 2079-I be suspended for six months from March 31, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Fred L. Hasbrouck be, and he is hereby, authorized to suspend his operations under PUC No. 2079-I until September 30, 1955.

That unless said permittee 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 common 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

Ralph G. Gordon
John L. Thompson

Dated at Denver, Colorado,
this 25th day of April, 1955.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CARL AUGUST WIGHOLM, DOING BUSINESS)
AS, "CIVIC CENTER TRANSPORT SERVICE,")
2295 TAYLOR STREET, SAN FRANCISCO 11,)
CALIFORNIA.)
-----)

PERMIT NO. P U C 2879-I

April 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl August

Wigholm, DBA "Civic Center Transport Service," San Francisco, California.

requesting that Permit No. PUC 2879-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

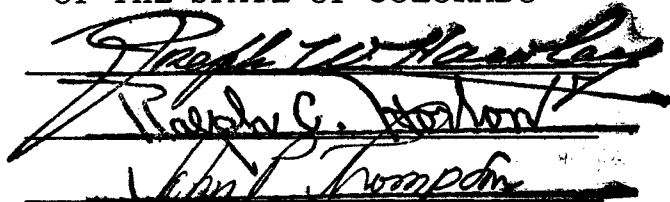
THE COMMISSION ORDERS:

That Permit No. PUC 2879-I, heretofore issued to Carl August

Wigholm, dba "Civic Center Transport Service," San Francisco, California be,

and the same is hereby, declared cancelled effective April 12, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,

this 25th day of April, 1955

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE C. PROPPS, JR., 3530 KEARNEY)
STREET, DENVER 7, COLORADO.)
)
)
)
-----)

PERMIT NO. P U C 2831-I

April 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clarence C. Propps, Jr.
Denver, Colorado

requesting that Permit No. PUC 2831-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

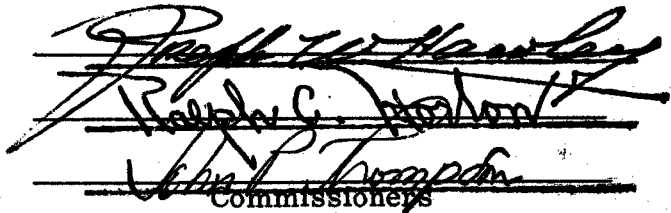
ORDER

THE COMMISSION ORDERS:

That Permit No. PUC 2831-I, heretofore issued to Clarence C. Propps, Jr.
Denver, Colorado be,

and the same is hereby, declared cancelled effective April 12, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 25th day of April, 195 5

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LAWRENCE E. FOLKERTS, 1957 SOUTH)
LINCOLN STREET, DENVER 10, COLORADO.)
)
)
)
-----)

PERMIT NO. ^{PUC}2732-I

April 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lawrence E. Folkerts,
Denver, Colorado.

requesting that Permit No. PUC 2732-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

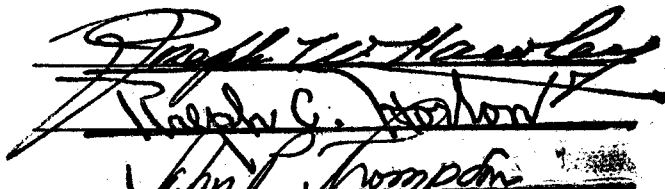
That Permit No. PUC 2732-I, heretofore issued to Lawrence E. Folkerts,

Denver, Colorado

be,

and the same is hereby, declared cancelled effective April 14, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 25th day of April, 1955

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
B. O. FRY, 2304 9TH STREET, GREELEY,)
COLORADO)
)
)
)
-----)

PERMIT NO. PUC 2577-I

April 25, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from B. O. Fry
Greeley, Colo.

requesting that Permit No. PUC 2577-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

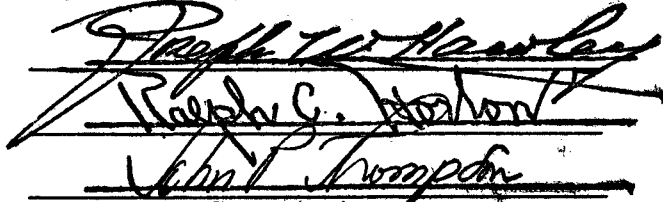
ORDER

THE COMMISSION ORDERS:

That Permit No. PUC 2577-I, heretofore issued to B. O. Fry
Greeley, Colo. be,

and the same is hereby, declared cancelled effective March 29, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 25th day of April, 195 5

original

(Decision No. 44167)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, RULES)
AND REGULATIONS IN THE MOTOR TRUCK)
COMMON CARRIERS' ASSOCIATION, AGENT,)
FREIGHT TARIFF NO. 12, COLORADO PUC)
NO. 6, ISSUED BY J. R. SMITH, CHIEF)
OF TARIFF BUREAU, 407 DENHAM BLDG.,)
DENVER 2, COLORADO.)

CASE NO. 1585
SUPPLEMENTAL ORDER

April 19, 1955

S T A T E M E N T

By the Commission:

By Decision No. 44109 dated March 23, 1955, the Commission provided, inter alia, a second class rate subject to a minimum weight of 5,000 pounds between Denver and Cheyenne Wells, Colorado, of 119 cents per 100 pounds which rate should have been 149 cents per 100 pounds.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 44109 should be amended to reflect this change.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 44109 dated March 23, 1955, should be, and the same is hereby, amended, nunc pro tunc, as of March 23, 1955, by providing a second class rate subject to a minimum weight of 5,000 pounds of 149 cents per 100 pounds between Denver, Colorado and Cheyenne Wells, Colorado.

That except as herein amended said Decision No. 44109 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
E. H. WARREN COMPANY, 925 LY-)	PUC NO. 1573-I
SANDER STREET, DETROIT, MICHIGAN.)	CASE NO. 74151-INS.
- - - - -)	

- - - - -
April 20, 1955
- - - - -

S T A T E M E N T

By the Commission:

On March 16, 1955, in Case No. 74151-Ins., the Commission entered its order, revoking PUC No. 1573-I for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made by said Respondent.

F I N D I N G S

THE COMMISSION FINDS:

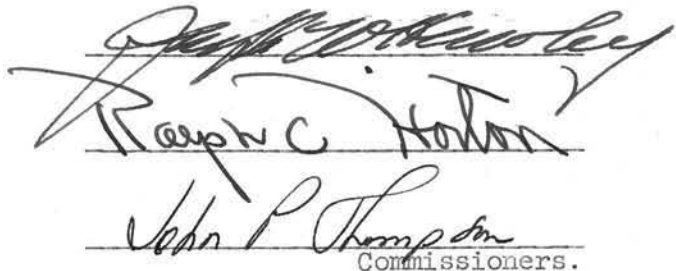
That PUC No. 1573-I should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 1573-I should be, and the same hereby is, reinstated, as of March 16, 1955, revocation order entered by the Commission on said date in Case No. 74151-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DOMINIC MARZINO, DOING BUSINESS)
AS "DOM'S FRUIT & PRODUCE CO.,")
2813 QUITMAN STREET, DENVER 12,)
COLORADO.)
-----)

PUC NO. 2706-I
CASE NO. 74234-INS.

April 20, 1955

S T A T E M E N T

By the Commission:

On March 16, 1955, in Case No. 74234-Ins., the Commission entered an order revoking PUC No. 2706-I for failure to keep on file effective insurance.

Insurance was in effect, however, but through neglect of the agent, was not filed in time to stop the revocation of the certificate. Proper filing has now been made and the insurance is in order, and our order of revocation should be set aside.

F I N D I N G S

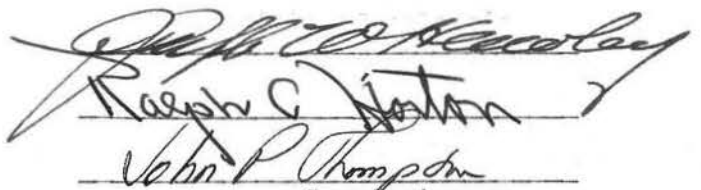
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 74234-Ins., should be cancelled and set aside, and said PUC-2706-I restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on March 16, 1955, in Case No. 74234-Ins., should be, and it hereby is, cancelled and set aside, and said PUC-2706-I restored to its former status as of March 16, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1955.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
L. W. PARCELL, DOING BUSINESS)	
AS "CIRCLE ROUTE STAGE LINE,")	<u>PUC NO. 12</u>
SILVERTON, COLORADO.)	
-----)	

April 20, 1955

S T A T E M E N T

By the Commission:

L. W. Parcell, doing business as "Circle Route Stage Line,"
Silverton, Colorado, is the owner of PUC No. 12, authorizing the operation of an automobile stage line for the transportation of:

passengers, baggage and freight between
Silverton, Colorado, and Ouray, Colorado,
via Red Mountain, Colorado.

On May 5, 1953, by Decision No. 40428, said certificate-holder was authorized to suspend operations under said PUC No. 12 for a period of one year, or until May 5, 1954.

On May 4, 1954, by Decision No. 42688, said certificate-holder was authorized to suspend operations under said PUC No. 12 for a period of one year, or until May 5, 1955.

The Commission is in receipt of a communication from said L. W. Parcell, requesting that he be authorized to further suspend operations under said operating rights for a period of one year.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

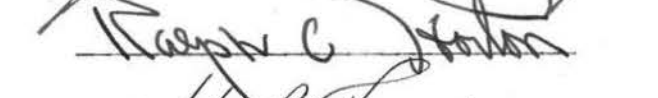

THE COMMISSION ORDERS:

That L. W. Parcell, doing business as "Circle Route Stage Line,"

Silverton, Colorado, should be, and he hereby is, authorized to further suspend operations under PUC No. 12 for a period of one year, or until May 5, 1956.

That unless said certificate-holder shall, prior to expiration of said suspension period, reinstate said certificate 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 the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. R. HALL TRANSPORTATION AND)
STORAGE COMPANY, A CORPORATION,)
503 COLORADO AVENUE, GRAND JUNCTION,)
COLORADO, FOR AN ORDER AUTHORIZING)
THE TRANSFER OF THAT PORTION OF)
CERTIFICATES NOS. PUC-345 AND PUC-)
345-I, AUTHORIZING AND RELATING TO)
THE TRANSPORTATION OF HOUSEHOLD)
GOODS, TO HAROLD W. HOUP, DOING)
BUSINESS AS "ROCKY MOUNTAIN TRANSFER)
AND STORAGE CO.," 503 COLORADO AVE-)
NUE, GRAND JUNCTION, COLORADO.)
-----)

APPLICATION NO. 12925-Transfer

April 20, 1955

Appearances: Eugene H. Mast, Esq.,
Grand Junction, Colorado,
for Transferor and
Transferee;
Cecil Haynie, Esq., Grand
Junction, Colorado, for
Litton Warehouse Company;
Ernest Porter, Esq., Denver,
Colorado, and
R. E. Turano, Denver, Colo-
rado, for Rio Grande Motor
Way, Inc.

S T A T E M E N T

By the Commission:

On July 23, 1954, the Commission entered its Decision No. 42997, denying the transfer of a portion of Certificates of Public Convenience and Necessity Nos. 345 and 345-I.

On August 12, 1954, application was filed for rehearing, and on August 17, 1954, said application for rehearing was granted.

The above application was again set for hearing, and heard, December 15, 1954, at the Court House in Grand Junction, Colorado, and at the conclusion of the hearing on that date, the matter was taken under advisement.

Evidence was introduced on behalf of transferor and transferee which disclosed that they desired to split Certificate No. 345 whereby

Harold W. Houpt, doing business as "Rocky Mountain Transfer and Storage Co.," Grand Junction, Colorado, was to receive that portion of the authority which authorized transfer of household goods. The balance of the certificate was to be held by W. R. Hall, the transferor herein. However, the record discloses that there was very little, if any, evidence that public convenience and necessity require the splitting, or division, of this certificate; while, on the other hand, it was contended by protestants appearing at the hearing that if said application is granted, it would place two active competing carriers in the field, where there is now only one.

In regard to our prior hearing, which culminated in our Decision No. 42997, we said:

"Several competing carriers were represented at the hearing, and by their cross-examination, indicated that they felt that splitting PUC-345 would place two carriers in competition with them in the Grand Junction area. Protestants, however, failed to introduce any evidence in support of their position. This leaves the Commission in somewhat of a quandary. In the past, the Commission has not been favorably disposed to split certificates of public convenience and necessity, and especially certificates of this type. This certificate is one of some forty certificates which were issued in the early days of Colorado motor vehicle carrier regulation wherein the then Commission certificated the local transfer companies throughout the State of Colorado who were engaged in transferring freight from railroad terminals to stores, etc., located within their towns. They were also engaged in the business of moving used household goods from residence to residence within their prescribed trade territory, and on occasion were called upon to move heavy machinery and other freight to distant points not accessible by rail.

"Historically, these transfer companies located in many of the towns of the State of Colorado had the only equipment for heavy moving. Many of them were originally 'horse and wagon' operations, and as the trucks came into operation, they were added to their equipment.

"The Commission, realizing that many of these companies have been in operation for many, many years, believed they should be entitled to a certificate of public convenience and necessity which would cover the service they had been offering to the public down through the years and, as stated before, some twenty-five or thirty certificates of this nature were issued. The Commission authorized them to conduct a transfer, moving and general cartage

business and, as in the instant case, they gave them the Counties of Mesa, Garfield and Delta because that was the service offered by the cartage business at that time. It also appeared to the Commission that on occasion, and as stated by the Commission, they gave them 'occasional service' throughout the State of Colorado and each of the counties thereof, subject, however, to the following terms and conditions:

'For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as 20% higher in all cases than those charged by scheduled carriers.'

"The authority further provides that they cannot operate on schedule between any points, and further, that the owner of the certificate shall not be permitted, without further authority from the Commission, to establish a branch office or have an agent employed in any other town or city than Grand Junction for the purpose of developing business. The major portion of business handled under certificates of this nature at the time of the granting of the certificate, was the moving of household goods, and only occasional trips were made for the transportation of other commodities other than in the base area, which, in the instant application, is the Counties of Mesa, Garfield, and Delta, State of Colorado.

"It was clearly the intention of the Commission when said authorities were granted to give them this type of specialized service in which they were engaged at the time of the granting of the certificates as indicated by the restrictions placed on said certificates.

"The Commission, in the past, has on numerous occasions indicated that it will not permit the splitting of certificates of public convenience and necessity by transfer unless sufficient showing has been made that said transfer is in the public interest, and that public convenience and necessity will best be served. We cannot say from the evidence in the record that the public will receive a better and more complete service by reason of splitting said certificate, while, on the other hand, the splitting of this certificate, in the judgment of the Commission, would leave the remaining authority indefinite, uncertain and confused."

It is the judgment of the Commission that the evidence submitted at the hearing held on December 15, 1954, does not justify the transfer herein asked for. True, there is evidence that there might be improved service in connection with the transportation of household goods. However, we cannot say that the present service offered by the transferor herein is inadequate. In fact, it appears that transferor

is now offering an excellent service to the public. After a review of the evidence, we cannot say that the service given under Certificate No. 345 is inadequate, nor that the service would be improved by the splitting of this certificate.

Counsel for protestants contended -- and we think with merit -- that the splitting of this certificate would be for the convenience of the owners of the certificate, but in addition, it would place additional competition in a field where additional competition is not needed. Certificate No. 345 authorizes the following:

"Conduct of a transfer, moving and general cartage business in the Counties of Mesa, Garfield and Delta in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the following terms and conditions: * * *"

An examination of this authority indicates that it would be very difficult to divide for the reason that it is a general authority to take care of the transportation business within a four-county area, and for occasional service to other points in the State of Colorado.

This certificate was originally granted to give to the shippers and receivers of that area a complete service, and to divide the certificate would destroy the intent of the Commission when the original authority was granted. The Commission, for a number of years, has been very hesitant in dividing certificates, and on a number of occasions has stated that definite proof should be given showing that public convenience and necessity warranted such division of authority. In the instant case, the evidence does not disclose that said division is warranted, and by the granting of this application, the Commission would be setting a precedent which, in our judgment, would be dangerous and not in the public interest.

For the reasons heretofore discussed, it is our considered judgment that said application for transfer should again be denied.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application for transfer should be denied

for the reasons set forth in our Statement which, by reference, is made a part of these Findings.

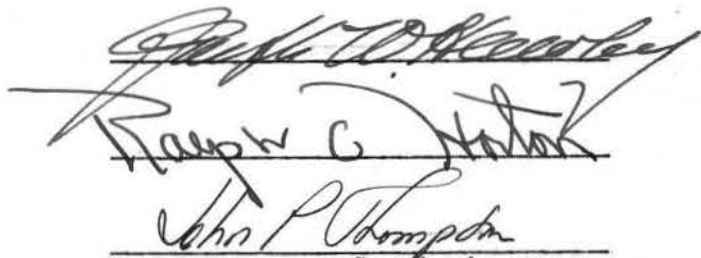
O R D E R

THE COMMISSION ORDERS:

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1955.

ea

signal
(Decision No. 44172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-ALBUQUERQUE MOTOR TRANSPORT,)
INC., 4716 HUMBOLDT STREET, DENVER,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 13310-PP
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

April 20, 1955

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, and
Alvin Meiklejohn, Esq.,
Denver, Colorado,
for applicant;
Conour and Conour, Esqs.,
Del Norte, Colorado,
for James Ashton and
Fred Gibson;
Moses and DeSouchet, Esqs.,
Alamosa, Colorado, for
C. H. Phillips;
Ernest Porter, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

On February 28, 1955, Denver-Albuquerque Motor Transport, Inc., of 4716 Humboldt Street, Denver, Colorado, filed an application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm produce, other than livestock, from points in the San Luis Valley to Denver, Colorado.

The above application was regularly set for hearing, and heard, at the Court House in Alamosa, Colorado, on March 25, 1955, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, Bruce Hillike, Vice-President of applicant company, who resides in Arvada, Colorado, testified that his company operates refrigerated trucks between Denver and New Mexico points under Interstate Commerce Commission authority. He stated that this is principally a one-way haul from Denver to the New Mexico points.

On his return trip from New Mexico, applicant desires to haul farm produce, other than livestock, to Denver, Colorado. He also stated he had interviewed shippers around San Luis, Colorado, relative to hauling their farm produce to Denver. The witness contended that he can give an excellent service, has proper equipment, and is well qualified to give this service.

In support of the application, Delphino Salazar, a large farm operator residing at San Luis, Colorado, testified that if said application is granted, he would use applicant's proposed service in the marketing of cauliflower, head lettuce, and other perishable products. Mr. Salazar stated that for his particular area, and for his operation, this service is needed, and feels that with this service it will be possible for him to enter the Denver markets.

Applicant had no other witnesses to support his application.

Several witnesses appeared to protest the granting of the application, including R. E. Turano, of Rio Grande Motor Way, Inc., and Fred Gibson, of the Gibson Truck Line. It appears they are operating line-haul service into Denver and can take care of shipments of perishable farm produce to Denver.

After considering all the evidence, it appears to the Commission that applicant is entitled to a private carrier permit for the transportation of farm products from Costilla County to Denver, for Delphino Salazar. We cannot say that applicant made a sufficient showing to justify any other service. It appears, however, that Mr. Salazar would use applicant's service, and that said service might prove beneficial to his operation. We cannot see from the evidence where the granting of this permit, with the limitations and restrictions as hereinafter set out would impair the common carrier service of either Rio Grande Motor Way or the Gibson Truck Line.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted as hereinafter restricted, for the reasons heretofore set forth in our Statement which, by reference, is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That Denver-Albuquerque Motor Transport, Inc., of 4716 Humboldt Street, Denver, Colorado, be, and it hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm produce, other than livestock, from points in Costilla County, Colorado, to Denver, for Delphino Salazar only, said applicant being restricted to the ~~one~~ customer, viz: Delphino Salazar, and will not be permitted to add additional customers without consent of the Commission.


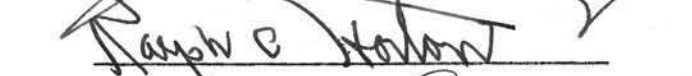

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUEBLO TRANSIT COMPANY, 111 SOUTH)
VICTORIA AVENUE, PUEBLO, COLORADO,)
FOR AN ORDER EXTENDING ITS CERTIFI-) APPLICATION NO. 13326-Extension
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)
-----)

April 21, 1955

Appearances: Harry S. Peterson, Esq.,
Pueblo, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

At General Election November 2, 1954, the people of Colorado, by Constitutional Amendment, relinquished to the State Government authority to regulate privately owned public utilities in home-rule cities. The City of Pueblo is a home-rule city, within which the applicant has in the past operated a transit system.

By the instant application, the applicant seeks recognition of its so-called "grandfather rights" and thus authority to continue operating, under the jurisdiction of this Commission, the service it formerly conducted exempt from the jurisdiction of this Commission.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court House, Pueblo, Colorado, April 15, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Howard Emmons, the General Manager of the applicant, testified that applicant had purchased its franchise and equipment in 1949, from Southern Colorado Power Company, for the public transportation of passengers in Pueblo and its environs. It thereby acquired

with the approval of this Commission, Certificate of Public Convenience and Necessity No. 1464. Applicant obtained a franchise from the city government of the City of Pueblo to continue operation, and has at all times since 1949 had such authority and served the population within the entire area encompassed by the city limits of Pueblo. It was, therefore, on the effective date of the Constitutional Amendment a common carrier of passengers for hire, as a transit system, to and from all points within the corporate limits of Pueblo.

Applicant has no competitors within said corporate limits. No one appeared in opposition to the application.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That public convenience and necessity require the granting of the motor vehicle common carrier service of applicant.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the common carrier motor vehicle, scheduled service, of Pueblo Transit Company, Pueblo, Colorado, for the transportation of passengers for hire, as a transit system, to and from all points within the city limits of Pueblo, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That 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.

That applicant shall operate its carrier system according to the schedule filed 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.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT D. MILLER, DOING BUSINESS AS)
"LA JUNTA BUS COMPANY," LA JUNTA,)
COLORADO, FOR A CERTIFICATE OF) APPLICATION NO. 11636
PUBLIC CONVENIENCE AND NECESSITY.)
-----)

April 21, 1955

Appearances: Albert D. Miller, doing
business as "La Junta
Bus Company," La Junta,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On January 29, 1951, applicant filed his application for a certificate of public convenience and necessity to operate a passenger bus line between La Junta, Colorado, La Junta Village, and La Junta Army Air Field.

The matter being regularly set for hearing in La Junta on November 19, 1953, after due notice to all parties in interest, the attorney for applicant requested that the matter be continued and reset at some future time convenient to the Commission.

The matter was then re-set for hearing April 15, 1955, at the County Court House, Pueblo, Colorado, and due notice of such setting was given to all parties in interest.

The matter being called up for hearing, the applicant, Mr. Miller, stated that the situation which had motivated the filing of the application had still not crystallized to the point where it was worth while to prosecute the matter at the present time. He requested that the matter be continued, not to be re-set until the further request of applicant. There was no objection to the request.

No one appeared in opposition thereto. No reason appears why the request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

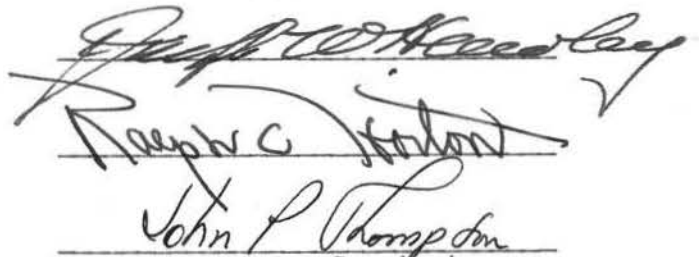
That the instant application should be continued, to be re-set for hearing only upon further request of the applicant.

O R D E R

THE COMMISSION ORDERS:

That Application No. 11636, of Albert D. Miller, doing business as "La Junta Bus Company," La Junta, Colorado, for a certificate of public convenience and necessity, should be, and the same hereby is, continued, to be re-set only upon further request of applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MIKE NICCOLI, 311 ANIMAS STREET,)	
TRINIDAD, COLORADO, FOR AUTHORITY)	APPLICATION NO. 13323-PP
TO OPERATE AS A CLASS "B" PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

April 21, 1955

Appearances: Stanley Blunt, Canon City,
Colorado, for Southwestern
Transportation Company.

S T A T E M E N T

By the Commission:

By application filed November 12, 1954, applicant 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 used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, clay and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, generally, except sand and gravel from Fountain Sand and Gravel Company, of Pueblo, Colorado, to construction jobs and ready-mix plants in a radius of twenty miles of Trinidad, Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in Huerfano and Las Animas Counties to customers in a radius of twenty miles of Trinidad and the City of Trinidad, Colorado; cement from Ideal Portland Cement Company, Portland, Colorado, to lumber dealers or their customers in a twenty-mile radius of Trinidad and the City of Trinidad, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court House, Pueblo, Colorado, April 15, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

The matter being called up for hearing, the applicant did not appear, and notwithstanding a search of the building on the possibility that applicant might have gone to a wrong room, the applicant could not be located.

Mr. Blunt thereupon moved that the application be dismissed for failure to prosecute.

The files of the Commission reveal that the Commission has heretofore corresponded with the applicant concerning temporary authority to transport sand and gravel, and indicated willingness to grant such temporary authority upon the filing of an insurance certificate pursuant to the rules of the Commission. No such insurance certificate has been filed, nor has the applicant demonstrated any further interest in the application.

No application for continuance, correspondence, or any other matter appears which would justify the Commission in holding the matter open any longer, in view of the motion of a protestant to dismiss.

F I N D I N G S

THE COMMISSION FINDS:

That the motion of protestant above referred to should be granted and the application dismissed.

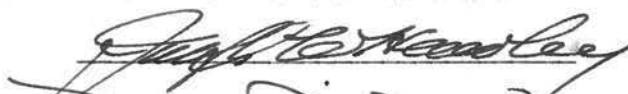
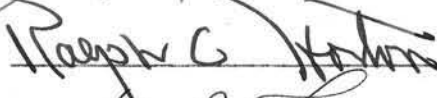
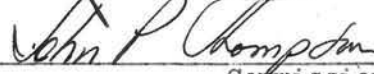
O R D E R

THE COMMISSION ORDERS:

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1955.

ea

original
(Decision No. 44176)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 5102

April 21, 1955.

S T A T E M E N T

By the Commission:

The administration and enforcement of the Colorado Commercial Carrier Act under the provisions of Senate Bill 301, enacted by the Fortieth General Assembly of the State of Colorado, 1955, is delegated to The Public Utilities Commission of the State of Colorado, and it is given power in said Act to make rules and regulations to carry out the provisions and spirit of the Act. Pursuant to that power, various Rules and Regulations Governing Commercial Carriers by Motor Vehicle are hereby adopted by the Commission. Said Rules and Regulations are attached hereto, and by reference made part of this Order.

O R D E R

IT IS THEREFORE ORDERED:

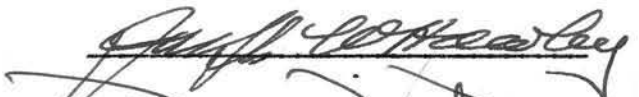
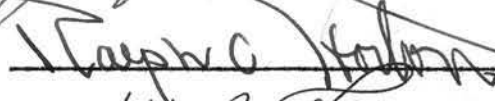
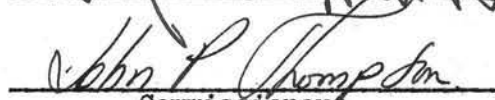
That the Rules and Regulations hereto attached and made a part hereof, be, and the same are hereby, promulgated, adopted, and approved, hereafter to be designated as "Rules and Regulations Governing Commercial Carriers by Motor Vehicle."

IT IS FURTHER ORDERED, That all prior Rules and Regulations Governing Commercial Carriers by Motor Vehicle are hereby cancelled, annuled, and revoked.

IT IS FURTHER ORDERED, That this Order, and the Rules and Regulations

hereby promulgated, adopted, and approved, shall become effective May 1, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1955.

HW

THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO
RULES
AND
REGULATIONS
GOVERNING
COMMERCIAL
CARRIERS BY
MOTOR VEHICLE

Effective, May 1, 1955

(SEAL)

By Order of
THE PUBLIC UTILITIES COMMISSION
of the
STATE OF COLORADO

Joseph W. Hawley,
Ralph C. Horton,
John P. Thompson,
Commissioners.

(FRONT)

RULES AND REGULATIONS
GOVERNING COMMERCIAL CARRIERS
BY MOTOR VEHICLE

RULE 1

Application of Rules and Regulations; Definitions.

(a) These Rules and Regulations apply to all Commercial Carriers by motor vehicle, as defined by law, operating upon the public highways of Colorado. Every Commercial Carrier by motor vehicle, and all operators, drivers and employees of any such Commercial Carrier, shall read and become familiar with these Rules and Regulations and applicable statutes and laws of the State of Colorado.

(b) The term "Commercial Carrier by Motor Vehicle" means every corporation or person, lessee, trustee, receiver or trustee appointed by any court whatsoever, other than motor vehicle carriers as defined by Sub-section (4) of Section 115-9-1, Colorado Revised Statutes 1953, or a private carrier by motor vehicle as defined by Sub-section (8) of Section 115-11-1 Colorado Revised Statutes 1953, owning, operating, controlling, or managing any motor vehicle used in the transportation of property sold or to be sold by him or it in the furtherance of any private commercial enterprise or property of which such person or corporation is the owner or lessee, when transported for lease or rent over any public highway of this State between fixed points or over established routes, or otherwise.

RULE 2

Application for Permits.

Every Commercial Carrier by motor vehicle, before using the public highways as such carrier, shall file with The Public Utilities Commission of the State of Colorado an application for a permit to operate upon said highways, together with a description of all motor vehicles and trailers operated or to be operated by said applicant, all on forms furnished by the Commission, which forms shall contain the following information:

(a) Every application shall show the name and address of the applicant and the trade name under which the business is conducted and applicant's principal business; whether applicant is a sole proprietorship, partnership,

or corporation; the names of the partners, if a partnership, and the name of the state where the corporation is incorporated, if a corporation, and the names of its officers; a statement showing the area to be operated in, and that applicant understands that he is not to transport persons or property for compensation or for hire if the permit is issued to him.

(b) The description of equipment to be filed herein shall contain the make, type of body, year manufactured, current state license number, motor number or serial number, rated capacity and unit number of all vehicles to be used and operated by applicant.

RULE 3

Suspension or Revocation of Permit.

Any Commercial Carrier permit may at any time be revoked, suspended, altered, or amended by the Commission after at least ten (10) days' notice to the carrier, and an opportunity to be heard, for any of the following reasons:

(a) Violation of any statutory enactment concerning Commercial Carriers, or for the violation of or refusal to observe any of the rules and regulations of the Commission.

(b) Violation of, or failure to comply with, the terms and conditions of his permit and for exceeding the authority granted in his or its permit.

RULE 4

Use of Permit.

No Commercial Carrier by motor vehicle shall engage in the transportation of persons or property for compensation or for hire, either as a Common Carrier by motor vehicle, as defined in Sub-section (4) of Section 115-9-1 Colorado Revised Statutes 1953, or as a Private Carrier by motor vehicle, as defined by Sub-section (8) of Section 115-11-1 Colorado Revised Statutes 1953.

RULE 5

Compliance with Uniform Motor Vehicle Code.

All Commercial Carriers by motor vehicle shall comply with all provisions of the Colorado Uniform Motor Vehicle Code, and other state and local legislation applicable to the use of motor vehicles upon the public highways of this State, and all rules concerning lights, brakes, size, weight, and loads of

any such motor vehicles and all laws governing the registration and licensing of vehicles, equipment, and drivers.

RULE 6

Marking of Vehicles.

(a) No Commercial Carrier by motor vehicle shall operate any motor vehicle upon the public highways of this State unless and until such carrier shall cause to be painted upon both sides of all motor vehicles, including trucks, tractors, and trailers to be used by the carrier, the following information:

1. The name of the person, firm, corporation, or association to whom the permit has been issued and the permit number assigned to such carrier.

2. All of such required information shall be in letters and figures not less than two and one-half ($2\frac{1}{2}$) inches in height. The permit number shall be in the following form:

COLO. P.U.C. M-000

and all of said letters and figures shall be of such colors as will be contrasting, and as will be readily seen and be legible. All of such markings shall be completely removed from all vehicles when they are withdrawn from service, or when the permit has been cancelled by the Commission.

3. Whenever any Commercial Carrier by motor vehicle shall be required to use a private automobile under his or its permit for transportation, such automobile shall be listed with the Commission and identification cards issued therefor as hereinafter provided in these rules for other classes of motor vehicles, provided that it shall not be necessary to place the marking herein provided for upon such automobile, but that the carrier may, in lieu thereof, use a metal tag which shall be placed on the rear of such automobile, lettered in readily visible letters and figures of a size not less than five and one-half ($5\frac{1}{2}$) inches by twelve (12) inches, in form as follows:

COLO. P.U.C.

M-000

or by a cardboard or plywood placard which shall be fastened to the front door on the driver's side of such automobile lettered in readily visible letters and

figures not less than two and one-half ($2\frac{1}{2}$) inches high, showing the name of the person, firm, or corporation to which the permit has been issued and the permit number assigned to such carrier, in form as follows:

NAME
COLO. P.U.C.
M-000

which placard may be removed when such automobile is being used as a personal car.

RULE 7

Identification Cards.

Every Commercial Carrier by motor vehicle having a permit issued by the Commission shall file with the Commission, upon blanks supplied by the Commission, a description of equipment, showing the make, type of body, year of manufacture, State license number, engine number, rated capacity, and unit number of all motor vehicles used, or to be used, by him, or it, under said permit.

(a) The description of equipment herein provided for shall be filed with the Commission:

1. Upon the filing of the application for a permit, and
2. Prior to the issuance of any permit, if no description accompanied the application, and
3. When a new vehicle is being placed into service, or when a vehicle is being withdrawn from service under the permit, and
4. Annually and immediately after the issuance of new State license plates.

(b) When descriptions of equipment have been filed as herein provided for, and if and when a sufficient certificate of insurance shall be on file with the Commission, the Commission shall issue identification cards for each and every vehicle set out in the description of equipment. Such identification cards shall contain such information as will identify the owner of the vehicle and the permit under which the motor vehicle is being operated, and such other information as the Commission shall deem necessary.

(c) No Commercial Carrier shall operate a motor vehicle upon the

public highways unless and until the identification cards herein provided for shall be placed on such vehicle.

(d) No Commercial Carrier shall alter or change in any manner the identification card herein required, or place it upon any other vehicle than that for which it was issued.

RULE 8

Ownership or Leasing of Equipment.

(a) All Commercial Carriers by motor vehicle shall either own the vehicles operated under their permits, or shall lease such equipment. Leasing of equipment shall not include the services of a driver or operator, but the employment of drivers and operators shall be upon the basis of a separate transaction by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or the employing of a driver with compensation based on a percentage basis or dependent upon the amount of tonnage transported, either per trip or for any period of time, is prohibited. The lease herein required shall be for not less than six (6) months, but shall be subject to cancellation by either party to said lease upon fifteen (15) days' notice of cancellation served upon the other party and the Commission.

(b) Leases of equipment shall be in writing and a duplicate original of such lease, with the actual signatures of the lessor and lessee thereon, shall be filed with the Commission. The Commission shall have the right to examine all leases of equipment and to approve and disapprove the same.

(c) No Commercial Carrier by motor vehicle shall place into service any leased equipment under his or its permit until the lease of equipment herein required shall have been approved by the Commission and an identification card issued therefor.

RULE 9

Emergency Equipment ---Letters.

(a) Whenever any Commercial Carrier by motor vehicle, in cases of emergency or unusual demands for transportation, must use equipment not listed with the Commission, and for which identification cards have not been issued, the carrier may engage such other equipment as is necessary to meet the

emergency and demands. The carrier shall, before the emergency equipment is placed in operation, issue an Emergency Letter and place one copy of the letter upon the emergency vehicle; one copy shall be mailed to The Public Utilities Commission of the State of Colorado, at Denver, Colorado, within twenty-four (24) hours after the issuance thereof, and one copy shall be retained by the carrier. The emergency letter required herein shall not be for a period of over ten (10) days, and shall contain the following information:

1. Name and address of the carrier issuing the letter.
2. Permit number of the issuing carrier.
3. License number of the vehicle used.
4. Complete description of the vehicle.
5. Name of the insurance company covering the emergency vehicle.
6. Nature of the emergency.
7. Origin and destination of vehicle movement.
8. Period the emergency vehicle is to operate.

(b) Whenever any Commercial Carrier shall be required to use emergency equipment, the driver of such equipment shall bear the relationship to such carrier of employee and employer.

(c) The compensation for the use of emergency equipment shall not be on a weight of load or loaded mile basis, and cannot include drivers' wages.

RULE 10

Use of Permit.

(a) No Commercial Carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicle under his or its permit, except emergency vehicle as herein provided.

(b) No Commercial Carrier by motor vehicle shall transport property under his permit for any other person, firm, or corporation.

RULE 11

Insurance -- Surety Bond.

(a) Every Commercial Carrier by motor vehicle shall obtain and keep in force at all times public liability and property damage insurance, or a

surety bond providing similar coverage, issued by some insurance company or surety company authorized to do business in the State of Colorado, which shall be in such form, with such schedules and endorsements as may be prescribed by the Commission, covering all vehicles which may at any time be operated by or for the carrier or his agent or employee, under his permit, in no less amounts than the following, to-wit:

For death or injury to any one person,	\$10,000.00;
Total liability in any one accident,	\$20,000.00;
Property damage,	\$ 5,000.00.

The Commission may, upon application, in extraordinary cases, increase, decrease, or amend the requirements as to the extent of coverage. All Commercial Carriers operating more than one vehicle under a permit issued by the Commission, shall secure and file insurance containing a so-called "waiver of description" endorsement covering all vehicles which may be operated by the carrier at any time.

(b) A Certificate of Insurance (or Surety Bond), executed by a duly authorized agent of the insurer, shall be filed with the Commission in lieu of the original policy, such certificate to be in a form prescribed by the Commission. Original policy is to be retained by the assured and kept available for inspection by any authorized representative of the Commission.

(c) All Certificates of Insurance filed under this rule covering public liability and property damage must show the radius, route, or distance within or over which the policy or bond is effective. If this is not shown, it will be presumed that the policy or bond provides coverage throughout the State of Colorado, and such certificates will be accepted on that basis only.

(d) All insurance coverage must be filed with the same initials, name, trade or corporate name, and address as listed in the application for the permit, subject to changes of address upon written notice to the Insurance Department of the Commission.

(e) Every insurance certificate required by and filed with the Commission shall be kept in full force and effect unless and until cancelled by ten (10) days' written notice, which time shall run from the date the notice is actually received by the Commission, and the certificate shall contain a statement to this effect.

RULE 12

Transportation of Explosives.

All Commercial Carriers by motor vehicle who transport explosives and/or other dangerous articles under their permits shall conform to the Rules and Regulations of the Interstate Commerce Commission concerning such transportation.

RULE 13

Stops at Inspection Stations.

All Commercial Carriers shall come to a full stop at all State Inspection Stations, and shall not again proceed until authorized to do so by the Station officials.

RULE 14

Drivers -- Hours.

(a) No Commercial Carrier shall cause or allow any driver or operator to work as such for more than a maximum of ten driving hours in any twenty-four-hour period, and such driver, or operator, shall have at least eight (8) consecutive hours' rest in each twenty-four-hour period. No carrier subject to these regulations, if himself a driver, shall remain on duty or drive for longer periods than those prescribed for employed drivers, provided that where the driver or operator performs other work than that of driving a vehicle, then the owner of the permit may, upon order of the Commission, extend the hours of work herein provided.

(b) In case of snow, sleet, fog, or other adverse weather conditions, or in case the highways are covered with snow or ice, or in the presence of unusual road and traffic conditions, a driver may be permitted and required to drive or operate a motor vehicle for not more than twelve (12) hours in the aggregate in any period of twenty-four (24) consecutive hours in order to complete his run, without being off duty for a period of eight (8) consecutive hours, as provided herein, and this longer period of driving is permitted even though conditions named herein are known to the employer before the trip is begun.

(c) In case of any emergency, a driver may complete his run without being in violation of the provisions of these regulations, if such run, except for said emergency, could reasonably have been completed without such violation.

RULE 15

Sanitary Regulations.

(a) All motor vehicles used for the transportation of foodstuffs shall be kept in a clean and sanitary condition, and all carriers shall comply with the Rules and Regulations of the State Department of Agriculture and the State Dairy Commissioner when transporting milk, cream, and other commodities, the transportation and distribution of which are under the jurisdiction of the above-mentioned departments of the State.

(b) No carrier by motor vehicle shall transport milk and cream or other foodstuffs upon the same vehicle with livestock or live poultry, unless such carrier secures the prior approval of the Commission and complies with Section (a) of this Rule.

(c) No carrier by motor vehicle shall transport milk, cream, or other foodstuffs upon the same vehicle with gasoline, kerosene, oil, mixed feeds, coal, or other commodities that might contaminate the milk, cream, or other foodstuffs, unless the same are carried in a separate, tightly closed compartment.

RULE 16

Exemptions.

These rules do not apply to or prohibit the transportation of farm products or livestock to market by any farmer or producer when selling or delivering only such farm products or livestock as shall have been actually grown or produced by such farmer or producer, nor to the transportation by such farmer or producer of supplies to the farm for his own use, provided such farm products, livestock, or supplies are transported in a motor vehicle, or vehicles, actually belonging to any such farmer or producer.

Nor do these rules apply to any vehicles operated by any government or governmental unit, or municipal corporation; nor to wrecking or towing cars, or hearses or ambulances, nor to any person or corporation who transports property owned by him or it which is not sold or to be sold in the furtherance of any commercial enterprise, or which is not transported for the purpose of lease or rent.

* * *

HOW TO KEEP YOUR PERMIT IN
GOOD STANDING

1. Keep insurance certificate effective at all times on all equipment operated.

2. Paint permit number plainly on your trucks in contrasting colors with your name and address underneath, in arrangement and size as follows:

"Colo. P. U. C. M-000

(Name and Address)

(Letters must be 2 1/2" in height.)

3. Do not haul for hire.

1 R0012

AN ACT

SENATE BILL NO. 301

BY SENATORS JOHNSON and DANKS

CONCERNING COMMERCIAL CARRIERS BY MOTOR VEHICLE.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. (1) As used in this act the term "commercial carrier by motor vehicle" means every corporation or person, lessee, trustee, receiver or trustee appointed by any court whatsoever, other than motor vehicle carriers as defined by subsection (4) of section 115-9-1, Colorado Revised Statutes 1953, or a private carrier by motor vehicle as defined by subsection (8) of section 115-11-1, Colorado Revised Statutes 1953, owning, operating, controlling or managing any motor vehicle used in the transportation of property sold or to be sold by him or it in the furtherance of any private commercial enterprise, or property of which such person or corporation is the owner or lessee, when transported for the purpose of lease or rent, over any public highway of this state between fixed points or over established routes, or otherwise.

(2) The term "commission" means the public utilities commission of the state of Colorado, or such other official board or body as may succeed to the powers and duties of said public utilities commission.

SECTION 2. No person or corporation shall operate any motor vehicle for the transportation of property sold or to be sold by him or it in the furtherance of any private commercial enterprise, or property of which such person or corporation is the owner or lessee, when transported for the purpose of lease or rent, on or over any public highway of this state, except in accordance with the provisions of this act. Nothing in this act shall apply where any person or corporation transports property belonging to him or it which is not sold or to be sold in the furtherance of any private commercial enterprise and which is not owned or leased and transported for the purpose of lease or rent.

SECTION 3. It shall be unlawful for any commercial carrier by motor vehicle, as defined in this act, to engage in the transportation of property over the public highways of the state of Colorado without first having obtained a permit therefor from the public utilities commission of the State of Colorado. It is hereby declared that the use of the public highways by commercial carriers by motor vehicle is affected with a public interest and that the safety and welfare of the public traveling upon such highways, the preservation and maintenance of the same, and the proper regulation of motor vehicle common carriers using the highways require the regulation of commercial carriers by motor vehicle to the extent provided in this act, and the commission upon application shall issue a permit to a commercial carrier by motor vehicle, and may attach to such permit and to the exercise of the rights granted thereunder, such terms and conditions as are reasonable, and consistent with the safety of the public.

This act shall not apply to any motor vehicle carrier as defined by section 115-9-1, or to any private carrier by motor vehicle as defined by section 115-11-1, nor shall anything contained in this act be construed or applied so as to compel a commercial carrier by motor vehicle to be or become a common carrier, or to subject such commercial carrier by motor vehicle to the laws or rules and regulations applicable to a common carrier or a private carrier by motor vehicle, unless such commercial carrier by motor vehicle is also engaged in the business of transporting persons or property for compensation or hire as a motor vehicle common carrier, or as a private carrier by motor vehicle.

SECTION 4. Any permit issued by the commission or any rights obtained under any such permit, held, owned or obtained by any commercial carrier by motor vehicle, may be sold, assigned, leased or incumbered only upon authorization by the commission, and after the filing of an application and the payment of a fee in the amount of three dollars (\$3.00).

SECTION 5. The commission shall charge all commercial carriers by motor vehicle a filing fee for application for a permit and for the issuance of the same of three dollars (\$3.00). All fees charged and collected under this section shall be paid into the treasury of the state, to the credit of the general fund of the state.

SECTION 6. Every commercial carrier by motor vehicle as defined in this act shall file with the commission a liability insurance policy issued by some insurance carrier or insurer, authorized to do business in the state of Colorado, or a surety bond issued by some company authorized to do a surety business in the state of Colorado, in such sum for such protection and in such form as the commission, by its rules and regulations, may deem necessary to adequately safeguard the public interest.

SECTION 7. The commission, at any time, upon complaint by any interested party, or upon its own motion, by order duly entered, after hearing had upon notice to the holder of any permit issued under this act, and when it shall have been established to the satisfaction of the commission that such holder has violated any of the provisions of this act, or any of the terms and conditions of his or its permit, or has exceeded the authority granted by such permit, or has violated or refused to observe any of the proper orders, rules or regulations of the commission, may revoke, suspend, alter or amend any such permit; provided, the holder of such permit shall have all the rights of hearing, review and appeal as to such order or ruling of the commission as are now provided by law. No appeal from or review of any order or ruling of the commission shall be construed so as to supersede or suspend such order or ruling, except upon order of a proper court obtained for such purpose.

SECTION 8. The commission shall promulgate such rules and regulations as may be reasonably necessary for the effective administration of the provisions of this act.

SECTION 9. The commission is hereby empowered to administer and enforce any and all provisions of this act, including the right to inspect the books and documents of all commercial carriers by motor vehicle.

SECTION 10. Nothing in this act shall be construed so as to apply to or prohibit the transportation of farm products or livestock to market by any farmer or producer when selling or delivering only such farm products or livestock as shall have been actually grown or produced by such farmer or producer, nor to the transportation by such farmer or producer of supplies to the farm for his own use, provided such farm products, livestock or supplies are transported in a motor vehicle or vehicles actually belonging to any such farmer or producer; nor to motor vehicles owned and operated by the United States, the state of Colorado, or any county, city, town or municipal corporation in this state, or by any department of them; nor to motor vehicles especially constructed for towing, wrecking and repairing, and not otherwise used in transporting property; nor to hearses or ambulances. Nothing in this act shall be construed as preventing a farmer from occasionally exchanging transportation work with a neighbor.

SECTION 11. The provisions of this act shall apply to commercial carriers by motor vehicle engaged wholly or in part in interstate or foreign commerce, except in so far as the same may be or become ineffective under the provisions of the constitution of the United States or of the acts of congress.

SECTION 12. Every commercial carrier by motor vehicle and every officer, agent, or employee of any commercial carrier by motor vehicle, and every other person or corporation who violates or fails to comply with or who procures, aids or abets in the violating of any provision of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation of the commission, or who procures, aids or abets any person or corporation in his or its failure to obey or observe such order, decision, rule or regulation, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not

less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not less than ten days nor more than six months, or both, in the discretion of the court. The inspectors and investigators of the commission shall have all the powers conferred by law upon peace officers, to carry weapons, make arrests, serve warrants and other process, and conduct sales in any county or city and county of this state.

SECTION 13. The district court or within its jurisdiction the county court of any county, or a justice of the peace of any county in or through which any commercial carrier by motor vehicle operates, shall have jurisdiction in all matters arising under this act on account of the operations of such commercial carrier by motor vehicle, except as otherwise provided in this act, and save and except those matters expressly delegated to the commission. It is hereby expressly provided that it shall be the duty of the district attorneys having jurisdiction in each such county in which such commercial carrier by motor vehicle shall operate to prosecute all violations of the provisions of this act.

SECTION 14. Whenever the commission shall be of the opinion that any commercial carrier by motor vehicle is failing or omitting to do anything required of it by law, or by any order, decision, rule, regulation, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything, to be done, contrary to or in violation of law or any order, decision, rule, direction or requirement of the commission, it shall request the attorney of the commission or the attorney general of the state or the district attorney of any district to commence an action or proceeding in the district or county court in and for the county or city and county in which the cause or some part thereof arose, or in which the corporation or person complained of had its principal place of business, or in which the person complained of resides, in the name of the people of the state of Colorado for purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction.

The attorney of the commission or the attorney general of the state or the district attorney of any district so requested shall thereupon begin such action or proceeding by petition to such district or county court alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall be the duty of the court to specify a time, not exceeding twenty days after the service of a copy of the petition, within which the commercial carrier by motor vehicle complained of must answer the petition, and in the meantime the said commercial carrier by motor vehicle may be restrained.

In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case, and such corporations or persons as the court may deem necessary or proper to be enjoined as parties in order to make its judgment, order or writ effective may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief. A writ of error may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this article as writs of error are taken from judgments of the district courts in other actions for mandamus or injunction.

Any person or corporation injured by such noncompliance of any commercial carrier by motor vehicle with the provisions of this article or of any other provisions of the law or orders, decisions, rules, directions or requirements of the commission, may apply to any court of competent jurisdiction for the enforcement thereof, and the court shall have jurisdiction to enforce obedience thereto by writ or injunction or any other proper process, mandatory or otherwise, and to restrain any such commercial carrier by motor vehicle, its officers, employees or representatives, from further disobedience thereof, or to enjoin

upon it or them obedience to the same, and any person or corporation so injured shall likewise have cause of action in damages and be privileged to pursue the usual and proper remedies to redress the same as in like cases provided by law.

SECTION 15. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

APPROVED 8:52 a.m., April 9, 1955

Ed C. Johnson (signed)

Ed C. Johnson
GOVERNOR OF THE STATE OF COLORADO

ma

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MELVIN S. YOST, 3460 BIRCH)
STREET, DENVER 7, COLORADO)

PUC No. 2660-I

April 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his PUC No. 2660-I be suspended for six months from April 20, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

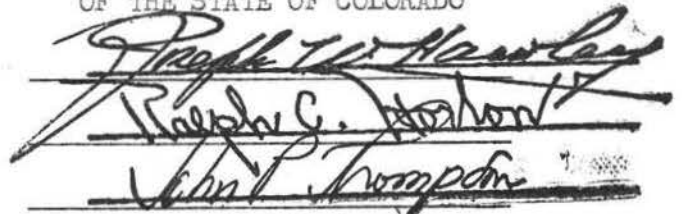
O R D E R

THE COMMISSION ORDERS:

That Melvin S. Yost be, and he is hereby, authorized to suspend his operations under PUC No. 2660-I until October 20, 1955.

That unless said permittee 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 common carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1955.

br

original

(Decision No. 44178)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUGENE U. WILLIAMS, FOUNTAIN, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. A-671 TO WILLIAM A.)
RAGAINS, DOING BUSINESS AS "BILL'S)
TRUCK SERVICE," 212 WEST BROOKSIDE)
STREET, COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 13320-PP-Transfer

April 21, 1955

Appearances: Eugene U. Williams, Fountain,
Colorado, pro se;
William A. Ragains, Colorado,
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

On April 28, 1934, H. T. Huff was authorized to operate as
a Class "A" private carrier by motor vehicle for hire for the trans-
portation of:

freight from Fountain to Colorado Springs and
return, via U. S. Highway No. 85, and all
intermediate points,

said operating rights being designated "Permit No. A-671."

By mesne transfers, all of which have been approved in due
course by this Commission, this permit has come down to Eugene U.
Williams, Fountain, Colorado, who, by the instant application, seeks
authority to transfer said operating rights to William A. Ragains, do-
ing business as "Bill's Truck Service," Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appro-
priate notice to all parties in interest, was heard at the County
Court Room, Colorado Springs, Colorado, April 14, 1955, and at the
conclusion of the evidence, the matter was taken under advisement.

Transferor testified that he owns the instant private per-
mit and also private Permit No. A-755; that he is in the process of

transferring his entire interest in both permits and will be entirely out of the business of trucking for hire when the two permits have been transferred. He also stated that there is no indebtedness attached to either the operation conducted under the instant permit, or to the permit itself; that a financial arrangement satisfactory to him has been made of the sale of the permit to the transferee; and that he believes all road tax due has been paid, but he is ready, willing, and able to pay any amount which may be due upon receipt of a statement for such amount. He stated that the agreement relative to sale is that any amount on deposit as security for the payment of road tax shall be transferred to the credit of the transferee.

Transferee testified that he operated a truck under the instant permit as an employee of Mr. Williams for approximately two years prior to the transfer and is familiar with the customers served and the nature of the service rendered.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Eugene U. Williams, Fountain, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-671 -- said operating rights having been acquired by him pursuant to authority contained in Decision No. 35028 -- to William A. Ragains, doing business as "Bill's Truck Service," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against

said operation, if any there be, whether secured or unsecured.

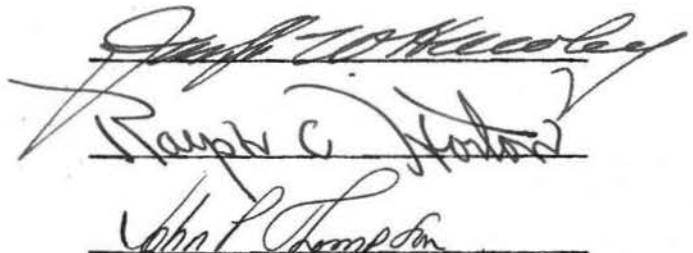
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This order is made a part of the permit authorized to be transferred.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1955.

mls

original

(Decision No. 44179)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EUGENE U. WILLIAMS, FOUNTAIN, COLO-)	
RADO, FOR AUTHORITY TO TRANSFER)	
PERMIT NO. A-755 TO EMERSON FINCH,	)	APPLICATION NO. 13321-PP-Transfer
ROBERT FINCH, AND JOHN SWARM, CO-)	
PARTNERS, DOING BUSINESS AS "F. S.)	
F. TRUCK LINE," ROUTE 2, COLORADO)	
SPRINGS, COLORADO.)	

April 21, 1955

Appearances: Eugene U. Williams, Fountain,
Colorado, pro se;
Emerson Finch, Colorado Springs,
Colorado, for transferees.

S T A T E M E N T

By the Commission:

Pursuant to authority of our Decision No. 38135, of February 5, 1952, L. S. Holman and Ross E. Holman, Colorado Springs, Colorado, transferred to Eugene U. Williams, Fountain, Colorado, the present transferor, Permit No. A-755, which authorizes the holder thereof to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

farm products, including livestock, farm supplies, farm machinery, and equipment and emigrant moveables, between points within the area extending north as far as the farmers' highway (State Highway No. 94) (including right to serve farms north of, and abutting upon, said highway), south to a line drawn east and west through a point eight miles north of U. S. Highway No. 50, west to U. S. Highway No. 85, and east to a line drawn north and south through a point fifteen miles east of Hanover, and from points in said area and farms abutting on said Highway No. 94, on the one hand, to Denver, Colorado Springs, and Pueblo, on the other; and beans from farms in said area to Calhan, Colorado, without the right to perform town to town service on U. S. Highways Nos. 85 and 50, and State Highway No. 96; and extended to include the right to transport farm products from points in said area to Calhan, Colorado.

Williams, the present holder of the permit, by the instant application, seeks authority to transfer this Permit to Emerson Finch, Robert Finch, and John Swarm, co-partners, doing business as "F. S. F. Truck Line," Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room, Colorado Springs, Colorado, April 14, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Transferor testified that he owns the instant private permit and also private Permit No. A-671; that he is in the process of transferring his entire interest in both permits and will be entirely out of the business of trucking for hire when the two permits have been transferred. He also stated that there is no indebtedness attached to either the operation conducted under the instant permit, or to the permit itself; that a financial arrangement satisfactory to him has been made of the sale of the permit to the transferees; and that he believes all road tax due has been paid, but he is ready, willing, and able to pay any amount which may be due upon receipt of a statement for such amount. He stated that the agreement relative to sale is that any amount on deposit as security for the payment of road tax shall be transferred to the credit of the transferees.

Emerson Finch, on behalf of the transferees, testified that he has engaged in trucking all his adult life; that he drove a truck for the transferor for approximately a year and a half prior to the transfer and is thoroughly familiar with the nature of the service, the customers served, and the rules and regulations of the Commission relative to private carriers.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Eugene U. Williams, Fountain, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to Permit No. A-755 -- being the operating rights acquired by him pursuant to authority stated in Decision No. 38135 -- to Emerson Finch, Robert Finch, and John Swarm, co-partners, doing business as "F. S. F. Truck Line," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.


That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Paul W. Kearley
Joseph C. Ginter
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1955.

mls

original

(Decision No. 44180)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. H. WEIDMAN, 801 GRANT STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 13358-PP

April 21, 1955

Appearances: W. H. Weidman, Denver, Colo-
rado, pro se;
Ernest Porter, Esq., Denver,
Colorado, and
R. E. Turano, Denver, Colo-
rado, for Rio Grande Motor
Way, Inc.;
E. J. Trenberth, Idaho Springs,
Colorado, for Curnow Livery
and Transfer Company;
Guy Anderson, Castle Rock,
Colorado, for Castle Rock
Transfer Company;
Bennie Goldstein, Denver,
Colorado, for Goldstein
Refrigerator Line;
Stanley Blunt, Canon City,
Colorado, for Southwestern
Transportation Company;
Howard Page, Denver, Colorado,
for Boulder Truck Service,
Inc.

S T A T E M E N T

By the Commission:

On March 11, 1955, W. H. Weidman, 801 Grant Street, Denver,
Colorado, filed his application for a Class "B" permit to operate as
a private carrier by motor vehicle for hire for the transportation of
explosives from Louviers and magazine near Littleton, to all points
in the State of Colorado.

The above application was regularly set for hearing, and
heard at 330 State Office Building, Denver, Colorado, on April 19,

1955, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 3/4-ton 1954 Chevrolet truck, and has a net worth of approximately \$20,000.00. Applicant stated he desires to haul for Farrell and Haynes, of Denver, Colorado. It also appears that Farrell and Haynes are running seismograph crews all over the State of Colorado, and use explosives in their operations.

Applicant had no customer witnesses to testify in support of his application that they would use, or needed applicant's proposed service.

Several protestants appeared, and R. E. Turnano, of Rio Grande Motor Way, Inc.; Guy Anderson, of Castle Rock Transfer; and E. J. Trenberth, of Curnow Livery and Transfer Company, all testified as to the service they could give for the hauling of explosives in the State of Colorado.

The Commission, on several occasions, has held that where there are protesting carriers appearing, a private carrier permit will not be granted unless applicant has testimony of customer witnesses who state they need, and will use, applicant's proposed service. It appears to the Commission that applicant has failed to show that he has customers who will use his service and that the issuance of a private carrier permit for the transportation of explosives to all points in the State of Colorado is in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied for the reasons heretofore set forth in our Statement which, by reference, is made a part of these Findings.

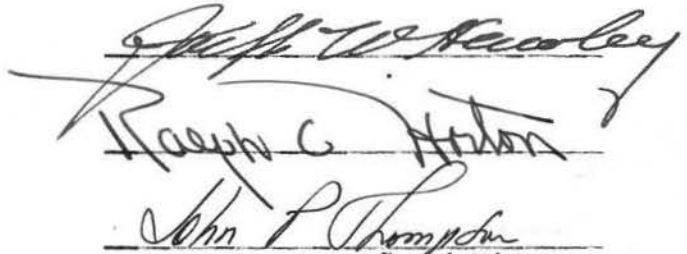
O R D E R

THE COMMISSION ORDERS:

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATE ON CEMENT, IN)
BULK, IN TANK TRUCKS, MINIMUM)
WEIGHT 42,000 POUNDS, FROM)
PORTLAND, COLORADO, TO CLIMAX,)
COLORADO.)

CASE NO. 1585

April 21, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of an application (No. 275) from the Motor Truck Common Carriers' Association, as agent, for and on behalf of Eveready Freight Service, Inc. and Southwestern Transportation Co., requesting authority to publish on one days notice a rate of 24 cents per 100 pounds on cement, in bulk, in tank trucks, minimum weight 42,000 pounds, from Portland, Colorado to Climax, Colorado. Not subject to item 970 of Tariff No. 12 (Item 970 is the penalty rule applicable to call and demand carriers).

The present motor carrier rate on cement, in bulk, in tank trucks, minimum weight 35,000 pounds, from Portland, Colorado to Climax, Colorado, is 34 cents per 100 pounds.

Effective March 30, 1955, (filed on statutory notice), The Denver and Rio Grande Western Railroad Company published a rate of 22 cents per 100 pounds on cement, (Hydraulic, masonry, mortar, natural or Portland), or dry building mortar, straight or mixed carloads, minimum weight 50,000 pounds (Except as Noted), from Portland, Colorado, on the D. & R. G. W. to Climax, Colorado, on the C. & S., routed via D. & R. G. W., Leadville, Colorado, C. & S. This rate not subject to tariffs of Increased Rates and Charges X-168-B nor X-175-B. Published to expire with December 31, 1955, unless sooner cancelled, changed or extended. Issued to meet highway competition.

The instant petition states:

"We are advised that there is an extremely large volume of this traffic moving from Portland to Climax and, in order for the motor carriers to be in a position to compete with the rail lines for this traffic, it is necessary that the motor carriers be authorized to publish the rate of 24 cents per 100 pounds to become effective upon less than statutory notice."

The annual report of the Southwestern Transportation Co., for the year ending December 31, 1954, shows in part the following:

Total Revenue	\$185,599.00
Total Operating and Maintenance Expense	165,630.66
Net Operating Profit	19,968.34
Operating Ratio	89.24%

The 1954 annual report of the Eveready Freight Service, Inc., shows:

Freight Revenues	\$ 62,444.76
Other Revenues	84,215.09
Total Revenues	146,659.85
Total Operating and Maintenance Expense	102,937.52
Net Operating Profit	43,722.52
Operating Ratio	70.1%

It is to be noted that of the total revenue of Eveready approximately 57.5 per cent was received from sources other than freight revenue. On the other hand, there is no break-down on the operating and maintenance expense. In other words, there is no way for us to determine what portion of the expense was directly attributable to the freight operation for which it received \$62,444.76 in revenue.

Whether the revenue to be received under the proposed 24 cent rate on 42,000 minimum weight will cover the cost of performing the service we are not at present in a position to state. However, the carriers have requested the publication. It does not appear that the transportation system will be adversely affected. No reason appears why the reduction should be refused.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be authorized.

O R D E R

THE COMMISSION ORDERS, That:

1. This order shall become effective forthwith.
2. The statement and findings be, and they are made a part hereof.
3. Southwestern Transportation Company and Eveready Freight Service, Inc., be, and they are hereby notified and required to publish or cause to be published a rate of 24 cents per 100 pounds on cement, in bulk, in tank trucks, minimum weight 42,000 pounds from Portland, Colorado to Climax, Colorado, to become effective April 25, 1955, on one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act.

4. All private carriers by motor vehicle transporting or authorized to transport cement, in bulk, in tank trucks, from Portland, Colorado to Climax, Colorado, shall publish, or cause to be published a rate which shall not be less than 24 cents per 100 pounds on cement, in bulk, in tank trucks, minimum weight 42,000 pounds from Portland, Colorado to Climax, Colorado.

5. On and after April 25, 1955, Southwestern Transportation Company and Eveready Freight Service, Inc., shall cease and desist from assessing a rate other than 24 cents per 100 pounds on cement, in bulk, in tank trucks, minimum weight 42,000 pounds from Portland, Colorado to Climax, Colorado.

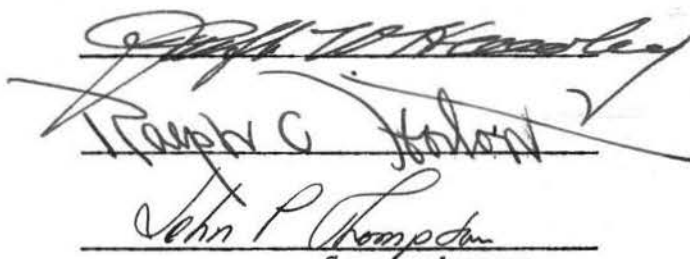
6. On and after April 25, 1955, all private carriers by motor vehicle operating in competition with Southwestern Transportation Company and/or Eveready Freight Service, Inc., shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. This order shall not be construed so as to compel a private carrier by motor vehicle to become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. The order entered in Case No. 1585, on February 5, 1936, as since amended, shall continue in force and effect until a further order of the Commission.

9. 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 April, 1955.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DALE S. BARNETT, ROUTE 1, BOX) PUC No. 3038-I
234A, GREELEY, COLORADO.)

April 25, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder, requesting that his PUC No. 3038-I be suspended for six months from April 20, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Dale S. Barnett, Route 1, Box 234A, Greeley, Colorado be, and he is hereby, authorized to suspend his operations under PUC No. 3038-I until October 20, 1955.

That unless said certificate-holder 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 25th day of April, 1955.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GENE ALLEN REED, DOING BUSINESS AS)
"REED ARMORED CAR SERVICE," 418)
EAST COLORADO, COLORADO SPRINGS,) APPLICATION NO. 13319
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)
- - - - -)

- - - - -
April 22, 1955
- - - - -

Appearances: Thomas Burgess, Esq.,
Colorado Springs,
Colorado, and
John H. Lewis, Esq.,
Denver, Colorado,
for applicant;
Marion F. Jones, Esq.,
Denver, Colorado,
Alvin J. Meiklejohn, Esq.,
Denver, Colorado, and
Don W. Higby, Esq., Colorado
Springs, Colorado, for
Donald S. O'Reagon.

S T A T E M E N T

By the Commission:

At general election November 2, 1954, the people of the State amended the State Constitution to grant to the State jurisdiction over privately owned public utilities in Home-Rule cities.

By his application filed March 1, 1955, applicant seeks recognition by the Commission of his "grand-father" rights within the Home-Rule City of Colorado Springs, and also seeks authority as a common carrier within a thirty-five-mile radius of that city, as to the following commodities: money, coin, bullion, gold, silver, platinum, goldware, silverware, jewelry, precious stones, checks, bank notes (signed and unsigned), Federal Reserve Notes, securities, and valuable documents of every description.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room,

Colorado Springs, Colorado, April 14, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Protestant orally limited his protest to the authority being sought outside the corporate limits of Colorado Springs. No protest was entered concerning any "grand-father" rights of applicant within the city.

As to service within the city, the evidence amply established that the applicant has for several years operated an armored-car service, devoted principally to collecting cash and checks at business houses for delivery to banks within the city, and delivering small change from the banks back to the business houses. There was also evidence of intra-city valuable-document and securities delivery service, to and from banks, railroad stations, and the post office. Applicant testified that with each of his regular intra-city customers, individual contracts are made; but that as to service rendered only occasionally, no contracts are in force. There was also evidence that applicant had held himself out to the public for two years, by advertising in the city directory, as being willing and able to render call and demand service to the public generally. He has authority from the city government to continue his operation. Applicant stated that all of the foregoing was the actual condition of affairs on the day of hearing and at all times for several years past. Evidence was received satisfactory to the Commission, of applicant's financial responsibility and operating experience. The Commission is satisfied that the operative facts essential to the establishment of "grand-father" rights of applicant as an armored-car common carrier of money, negotiable instruments and valuable documents within the city limits of Colorado Springs, have been fully proven.

As to the area sought to be served outside Colorado Springs, however, the proof is considerably different. Applicant offered evidence that he had served customers within an area apportionately six miles wide around the city except on the south, where the area is

twelve miles wide. Witnesses from several business organizations outside the city appeared in support of the application. None of these witnesses was aware that the extra-city operation of applicant had been without authority from the Commission, and was therefore illegal in its entirety. None had used protestant's authorized service outside the city, or inquired as to existing authorized service. Each of these witnesses stated that applicant's service was necessary, without indicating in what manner existing authorized service is inadequate. Such statements, in the context in which they were made, were not evidence, but mere conclusions. D. & S. L. RR. Co. vs. C. B. & Q. RR Co., 64 Colo. 229, 171 Pac. 74.

The substance of applicant's case as to service outside the city, was that he had been rendering the service, even if illegally, and therefore, the public convenience and necessity requires that he continue to do so. The Commission has long followed the well-reasoned rule that public convenience and necessity cannot be established by proof of illegal operations. If the public convenience and necessity in any situation requires that additional certificates be issued, it is because existing service is inadequate. It is this inadequacy which an applicant must show. Here, there was no showing that if applicant's illegal service were discontinued, authorized carriers could not or would not take up the slack. On the contrary, protestant stated that he could and would get additional equipment, as needed, to handle any additional demand which might arise. In short, applicant failed to show that the present or future public convenience and necessity requires or will require the issuance of an additional certificate for armored car service. On the basis of the evidence presented, which is the only evidence we are permitted to consider, we must therefore deny the application insofar as it seeks authority outside the city limits of Colorado Springs.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

The "grandfather rights" of applicant to operate within the city limits of Colorado Springs as a common carrier of the articles set forth in the following order by armored car have been fully established and a certificate of public convenience and necessity for such service as so limited should be granted.

The evidence is insufficient to show that the present or future public convenience and necessity requires or will require the issuance of an additional certificate for such service outside the corporate limits of Colorado Springs, within a 35-mile radius thereof, and the application as to such service should therefore be denied.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service, of Gene Allen Reed, doing business as "Reed Armored Car Service," Colorado Springs, Colorado, for the transportation of money, checks, securities and valuable documents of every description, to and from points within the corporate limits of Colorado Springs, Colorado, only, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That in all other respects, the application should be, and the same hereby is, denied.


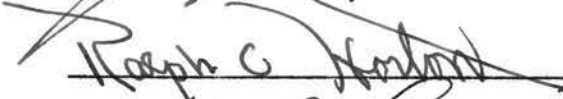
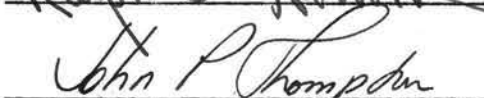
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That 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.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
Of THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
J. O. HOFF, 413 WEST SIXTH STREET,)	
PUEBLO, COLORADO, FOR A CLASS "B"	)	APPLICATION NO. 13325-PP
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

April 22, 1955

Appearances: J. O. Hoff, Pueblo,
Colorado, pro se;
Stanley Blunt, Canon
City, Colorado, for
Southwestern Trans-
portation Company.

S T A T E M E N T

By the Commission:

By application filed November 3, 1954, applicant 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 used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel and dirt, stone and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in Fremont County to points within a radius of fifty miles of Pueblo, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court House, Pueblo, Colorado, April 15, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

It appeared from the evidence that applicant is presently engaged in the coal business in Pueblo, and is the owner of four trucks, two of which are suitable for the work which must necessarily be performed if the permit sought is granted. Applicant's net worth is approximately \$75,000. His purpose in making application is to provide occasional extra work for the trucks he owns at times when they are not being used in conjunction with his coal business.

According to the statement of applicant, he actually seeks the following authority: As to the road-surfacing and construction job transportation, the application is for authority to provide the flexible trucking service which is attached to and a necessary part of any construction work. It is not an application to transport commodities from point to point on any regular basis or between fixed locations, but is instead an application for authority to use the highways of the State as may be required in conjunction with the nomadic work of highway builders and major construction undertakings.

Applicant's purpose in seeking authority to transport coal is to supplement, as the occasion may demand, his present coal business in the City of Pueblo.

Mr. Blunt, appearing only as his interest might appear, offered no objection to the granting of the application, but was concerned principally with the construction which would be placed upon the term "road-surfacing materials," with particular reference to cement. In light of the testimony of the applicant concerning his purpose as to road jobs, Mr. Blunt evidenced no purpose to object to the granting of the permit.

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

F I N D I N G S

THE COMMISSION FINDS:

The foregoing Statement is by reference incorporated hereinto.

Existing common carrier service of the type sought here to be rendered is inadequate, and will not be impaired by the granting of such authority.

The authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That J. O. Hoff, Pueblo, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel and dirt, stone and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; and coal from mines in Fremont County to points within a radius of fifty miles of Pueblo, Colorado.

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

That 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1955.
ea

original

(Decision No. 44185)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) GAYLE PATTERSON, WESTCLIFFE, COLO-) RADO, FOR AUTHORITY TO TRANSFER) PERMIT NO. A-1335 TO JOHN HANSSEN,) DOING BUSINESS AS "HANSSEN TRUCK) LINE," WESTCLIFFE, COLORADO.)	<u>APPLICATION NO. 13322-PP-Transfer</u>
--	--

April 22, 1955

Appearances: Gayle Patterson, Westcliffe,
Colorado, pro se;
John Hanssen, doing business
as "Hanssen Truck Line,"
Westcliffe, Colorado, pro se.

S T A T E M E N T

By the Commission:

By our Decision No. 42715, dated May 27, 1954, Gale R. Camper, Westcliffe, Colorado, was authorized to transfer to Gayle Patterson, Private Permit No. A-1335, authorizing operation as a Class "A" private carrier by motor vehicle for hire, for the transportation of:

farm products, including livestock, and ore from point to point within a radius of fifteen miles of Westcliffe, Colorado; and from said area via Highway No. 96 to Pueblo and Highway No. 85 from Pueblo to Denver, provided, however, that no farm products which originate within the corporate limits of Westcliffe itself shall be transported by applicant, and no points intermediate between Pueblo and Westcliffe shall be served by applicant, and provided further that applicant shall not engage in the transportation of freight as a back-haul from Denver, Colorado Springs, Pueblo, or any other intermediate points, into Westcliffe, Colorado;

ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe, to Westcliffe, Texas Creek, Salida, Saguache, Center, Monte Vista and Alamosa, with back-haul of livestock, only, from said points to farms within said fifteen-mile radius; and livestock from Denver to farms in said radius;

ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe, to Westcliffe, Texas Creek, and Salida; livestock from and to Saguache, Center, Monte Vista and Alamosa, to and from farms within said fifteen-mile radius and livestock from Denver to farms in said radius;

ore from mines within a radius of fifteen miles of Westcliffe to Florence and Canon City, Colorado;

ore and concentrates from the Defender Mine, located approximately $2\frac{1}{2}$ miles from Westcliffe, Colorado, to Leadville, Colorado, for Ed Stacey's operation, only.

By the instant application, said Gayle Patterson seeks authority to transfer said permit to John Hanssen, doing business as "Hanssen Truck Line," Westcliffe, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court House, Pueblo, Colorado, April 15, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

It appeared from the evidence that no indebtedness is attached to the operation heretofore conducted under the permit which is to be transferred, nor to the permit itself. The transferee has engaged in the trucking business as a common carrier in the territory to be served for more than thirty years continuously. Transferee's net worth is in the range of \$150,000.00. Transferor proposes to transfer all of the for-hire authority he has.

Transferee testified that he has authority as a common carrier to transport every commodity authorized by the private carrier permit here sought to be transferred, and can serve territorially all the delivery territory authorized by the permit. As to pick-up authority, however, transferee's common carrier authority is limited to Custer County, while the fifteen mile radius from Westcliffe which is authorized by the private permit extends outside of Custer County, particularly on the north, as much as three miles.

Except for a small area outside Custer County, all of the authority contained in the private permit is also contained in the common carrier authority which the transferee already owns. Except as to that small area, transferee is only buying out competition. He expressed complete willingness to have the private carrier permit canceled, except as to the small pick-up area outside Custer County.

The considerations affecting private carriers for hire and common carriers for hire are vastly different. The transferee is aware that for reasons peculiar to the circumstances of carriage, a private carrier is not permitted to do many things which the transferee, as a common carrier, is accustomed to do, such as advertising, for example, or interlining with other carriers, or competing with common carriers to the detriment of the common carrier service. For this and other reasons, private carriers are also forbidden to transport common carrier freight, on the same vehicle or combination of vehicles, at the same time those vehicles are transporting private carrier freight.

To permit transferee to hold both private and common carrier authority for the same commodities and the same territory at one time would create a situation impossible to police, and therefore contrary to and not compatible with the public interest. However, so long as the operations are kept separate and distinct, it would appear to be compatible with the public interest to allow the qualified common carrier transferee to hold a non-overlapping private permit. Transferee having consented to cancelation of all of the private permit, except that part which permits origination and delivery outside Custer County, but within the fifteen mile radius of Westcliffe, the order herein below entered will be so conditioned, in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

The transfer sought is compatible with the public interest only to the extent that the private permit authority clearly does not overlap the common carrier authority presently held by transferee; all of the other portions of the private carrier permit should be canceled, except that portion of the permit which authorizes the pick-up and delivery of the commodities named in the Order following, from that part of an area outside Custer County, Colorado, but within a fifteen mile radius of Westcliffe, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Gayle Patterson, Westcliffe, Colorado, should be, and he hereby is, authorized to transfer all of his right, title and interest in and to Permit No. A-1335 -- being the operating rights described in Decision No. 42715 -- to John Hanssen, sole proprietor, doing business as "Hanssen Truck Line," Westcliffe, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be.

Upon such transfer, all of the authority granted by said Permit No. A-1335 shall be canceled, except the following authority, which shall continue in force:

Authority as a Class "A" private carrier by motor vehicle for hire from the area outside Custer County, Colorado, but within a radius of fifteen miles of Westcliffe, Colorado, (which area is hereinafter referred to for convenience as "the originating area"), for the transportation of ore from the originating area to points within a radius of fifteen miles of Westcliffe, Colorado, and to Texas Creek, Florence and Canon City; and from the originating area, via Highway No. 96 to Pueblo and Highway No. 85 from Pueblo to Denver, with no service to points intermediate between Westcliffe and Pueblo, and with no back-haul transportation of freight from any point along said Highways, into Westcliffe;

and transportation of farm products including livestock, from the originating area to Westcliffe, Texas Creek, Salida, Saguache, Center, Monte Vista, and Alamosa, Colorado, with back-haul of livestock only from said points to farms in the originating area described in the opening paragraph hereof; and livestock from Denver to farms in said described originating area.

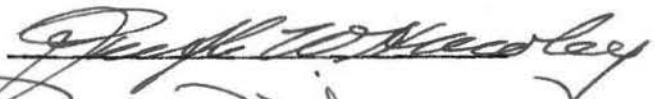

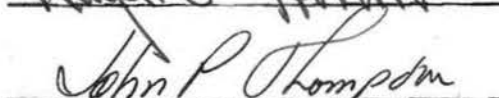
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EARL LE ROY BOOKER, 515½ WEST)	
CHEYENNE ROAD, COLORADO SPRINGS,)	APPLICATION NO. 13289
COLORADO, FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY.)	

April 22, 1955

Appearances: Leo W. Rector, Esq., Colo-
rado Springs, Colorado,
for applicant;
Murphy & Morris, Esqs.,
Colorado Springs, Colo-
rado, by David H. Morris,
Esq., for El Paso Sanitary
Co.

S T A T E M E N T

By the Commission:

By his application filed December 3, 1954, applicant seeks authority to engage, as a call and demand common carrier by motor vehicle, in the transportation of refuse from cesspools, septic tanks and greasetraps in Colorado Springs, Colorado, and an area including Woodland Park, Fountain, and Matheson, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room, Colorado Springs, Colorado, April 14, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

It appeared from the evidence that both the applicant and the protestant have engaged in the business of cleaning cesspools and septic tanks in this area for many years. Protestant began serving the area some eighteen years ago; applicant worked about four years for protestant as an employee. Approximately ten years ago, applicant started out on his own, in competition with protestant. At this time, neither had any authority from this Commission to operate. The two then worked side by side, in competition with each other, for about

eight years, (or until approximately two years ago), when, after being advised to do so by the State Patrol, protestant sought and obtained a certificate of convenience and necessity from this Commission, (PUC-2452) which in manner of speaking made his business legitimate after many years of illegitimacy. Applicant seems not to have known, or if he did, cared, about protestant's new-found legitimacy of operation, and the competition between the two seems to have continued unabated, each running substantially a one-man enterprise. However, applicant now prays that he, too, be accorded the blessing of the Commission. The uninitiated may wonder how the two could have operated in competition so many years without being stopped on the highways by inspectors; a moment's reflection upon the nature of the cargo may provide the answer. Applicant has authority from the City government of Colorado Springs to operate within the City limits, and states that his equipment, a Reo tank truck equipped with pump, and a Chevrolet pick-up, meet applicable health requirements.

Applicant's witnesses established to the satisfaction of the Commission that protestant's service has on occasion in the past been inadequate to particular needs, while applicant had always rendered efficient and prompt service.

The operating experience of applicant was established to the satisfaction of the Commission.

The matter of financial responsibility of applicant is a matter upon which the evidence was somewhat less than clear and convincing; but we do not believe that an applicant has so severe a burden of proof. The Commission has considered the nature of the operation proposed, not only as to the unique service rendered by such carriers, but also as to the size of the operation, the urgent public necessity therefor, the minimal financing necessary, and that applicant has in fact survived a period of approximately ten years in competition with protestant. All the facts and circumstances considered, the Commission deems it not unreasonable to find, and does find, that applicant

has sufficient financial resources to engage in this particular line of work.

We are aware that other applicants in other situations might present a stronger case; so might a protestant in another case offer a stronger protest. All the evidence considered, however, we find that the public convenience and necessity do require the proposed common carrier call and demand service.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service, of Earl Le Roy Booker, Colorado Springs, Colorado, for the transportation of refuse from cesspools, septic tanks and greasetraps in Colorado Springs, Colorado, and in an area bounded by Woodland Park, Fountain, and Matheson, Colorado, to dumps within said area, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

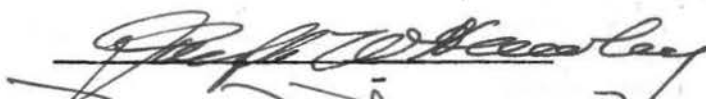

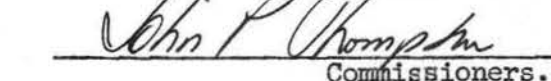
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That 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 this Order shall become effective twenty-one days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM C. SCOTT, STARKVILLE, COLO-)
RADO, AND PETE RUIZ, SR., 1101 PARK)
AVENUE, TRINIDAD, COLORADO; CO-)
PARTNERS, DOING BUSINESS AS "SCOTT-)
RUIZ COAL COMPANY," FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 13324-PP

April 22, 1955

Appearances: William C. Scott, Stark-
ville, Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed December 3, 1954, the applicants seek authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of clay from Starkville, Colorado, to Trinidad, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court House, Pueblo, Colorado, April 15, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

On behalf of the applicants, applicant William C. Scott testified that the applicants are the owners of two 1949 two-ton dump trucks, one a Chevrolet and the other a Ford. The net worth of the partnership is approximately \$6,000.00. Mr. Scott testified that he had engaged in the trucking business for about two years. He stated that the only customer the applicants have in mind to serve is the Standard Fire Brick Company of Pueblo, Colorado, which will give the partnership sufficient business to justify their operation.

Mr. MacFarlane, General Manager of Standard Fire Brick Company, with offices in Pueblo, stated that the service his company wishes to have from the partnership, and which is the basis for this application, is a specialized service not suitable to the use of common carriers. It appeared that the Company has its plant in Pueblo, some 80 miles from Trinidad; that in Pueblo, the Company manufactures fire brick, and is especially interested in a certain clay suitable for making ladle brick for Colorado Fuel and Iron Corporation in Pueblo; that the Company has, therefore, acquired certain clay pits in the vicinity of Trinidad as a source of supply of the special clay needed. His Company is the only one making this necessary and unique ladle brick. The Company wishes to hire people who will mine the clay from the clay pits owned by the Company, load it in dump trucks, haul it from Company property to Trinidad, and load it on railroad cars for transportation to Pueblo. The applicants propose to render this entire service. The Company is satisfied that they are well qualified so to do, and that it would not be economically feasible to separate the mining operation from the transportation operation, and, therefore, that no other carrier in the area would be satisfactory for the purpose.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

A permit, limited as set forth in the Order herein below, will not impair the efficient public service of any authorized motor vehicle common carrier serving the same territory. The unique and specialized service proposed to be offered is such that as to this service, existing common carrier service is inadequate. The permit

should, therefore, be granted as herein below limited.

O R D E R

THE COMMISSION ORDERS:

That William C. Scott, Starkville, Colorado, and Pete Ruiz, Sr., Trinidad, Colorado, co-partners, doing business as "Scott-Ruiz Coal Company," should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of clay for Standard Fire Brick Company only, and only from clay pits owned by the said Company to the rail head at Trinidad, Colorado.

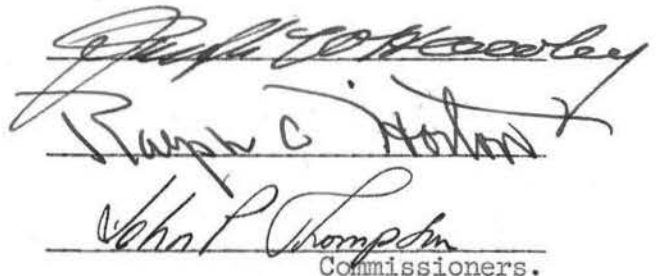
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That 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.

That 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.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY TO INSTALL AUTO-)
MATIC SIGNAL CROSSING PROTECTION)
AT THE SOUTH HANCOCK ROAD CROSSING)
IN EL PASO COUNTY, COLORADO)
-----)

APPLICATION NO. 13315

April 22, 1955

Appearances: Douglas McHendrie, Esq.,
Denver, Colorado, for
applicant;
J. L. McNeill, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

On March 23, 1955, The Atchison, Topeka and Santa Fe Railway Company, by its attorneys, Grant, Shafroth & Toll, filed an application with this Commission seeking authority to install improved automatic signal crossing protection at the crossing of its tracks at South Hancock Road, being Mile Post 661 plus 34 feet, and south of the City of Colorado Springs, in El Paso County, Colorado.

The matter was set for hearing on Thursday, April 14, 1955, at ten o'clock A. M., in the Court House, Colorado Springs, Colorado, and after appropriate notice to interested parties, including the City Manager of Colorado Springs, Colorado, the Colorado Department of Highways and The Denver & Rio Grande Western Railroad Company, was there heard by the Commission and taken under advisement.

In the instant application, it is proposed to provide improved automatic signals at the above crossing. At the hearing, the following exhibits were explained by Mr. H. A. Appleby, Amarillo, Texas, who is the Signal Engineer in this territory for The Atchison, Topeka & Santa Fe Railway Company:

- Exhibit 1: Map of crossing area showing location of proposed new signals and adjacent paved roads.
- Exhibit 2: Description and specifications for proposed grade crossing signals.
- Exhibit 3: Blueprint sketch of Wiring Circuit to show warning of trains from either direction.
- Exhibit 4: Letter of F. H. Monk, Chairman El Paso Board of County Commissioners; agreeing to bear one-half the estimated cost of the proposed signal installation but not to exceed the sum of \$3,500.00.

Mr. Appleby explained the instant trackage is owned by The Atchison, Topeka & Santa Fe Railway Company, and by joint agreements is quite heavily used in connection with the daily northbound rail movements of its trains and those of the Colorado & Southern Railway Company, The Denver & Rio Grande Western Railroad Company, and two local switch engine movements per day for five days per week. In cases of emergency, all traffic can be handled on this line or the equivalent of two times the normal volume of rail traffic.

According to the application herein, normal railway traffic over the crossing consists of six passenger trains and seven freight trains per day. The maximum speed of trains will not exceed 45 miles per hour for passenger trains and 40 miles per hour for freight trains, with speeds being limited because of track curvature at this location.

Relative to vehicular traffic, Mr. Appleby testified that a recent traffic count was made by the railroad company where it was found that between the hours of 6:30 A. M. and 6:30 P. M., the crossing was used by 986 automobiles and 246 trucks on that day of the count.

Mr. Appleby further explained that the present protection consisting of a crossbuck sign will be replaced by two automatic flashing light signals, complete with reflectorized crossing signs and illuminated "STOP" signs with a bell on one signal. He explained also that recent improvements consisting of asphalt paving had been on South Hancock Road; that this particular road furnished a direct route to Camp Carson from a rapidly expanding residential area of

eastern Colorado Springs; that there was an increasing volume of vehicular traffic over the crossing, thereby creating the need for the proposed signal protection.

South Hancock Road as involved herein, is an 18-foot wide asphalt paved road of El Paso County, and 23 feet wide at the crossing; the crossing consists of solid timbers 24 feet wide; protection consists of one reflectorized crossbuck on the north side of the track, a reflectorized Railroad Advance Warning Sign and a 10-Mile-per-Hour Warning sign. Reference to Exhibit 1 indicates a right-angular junction with the old Colorado Springs road at a point some 100 feet south of the rail line.

Regarding the highway junction and the curved layout of South Hancock Road, Mr. Appleby noted that extra signal lights are being provided on each signal standard, and as indicated on Exhibit 3, the various signal lights will be so directed that motorists approaching from any direction may readily see the flashing light warning when the signal is in operation. With further reference to Exhibit No. 3, Mr. Appleby also explained the proposed wiring circuits would provide a standard warning interval of 25 seconds for trains approaching from either direction along the rail line; that there would be no problem of excessive or unnecessary signal operation, since there was only the main-line trackage and no switching movements at the crossing.

Estimated cost of the proposed installation is \$6,368.00; the proper materials will be secured and installed by Santa Fe. As indicated in Exhibit 4, El Paso County has agreed to pay one-half of the total cost up to a maximum participation limit of \$3,500.00. Continuing service and maintenance expense of the installation will be by the railroad company when construction is completed.

It appears that no public utilities or adjacent property owners will be adversely affected by the proposed improvement. Also, the files of the Commission indicate no protests to the proposed signals. Signal equipment and materials are now available, and work can be started at once.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require the improvement of existing grade crossing protection through the installation, operation and maintenance of automatic flashing light signals at South Hancock Road (Mile Post 661 plus 34') south of Colorado Springs, El Paso County, Colorado, all as described in the foregoing Statement.

O R D E R

THE COMMISSION ORDERS:

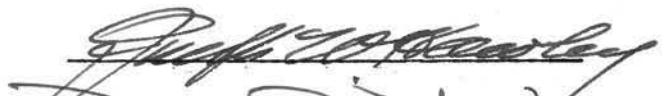
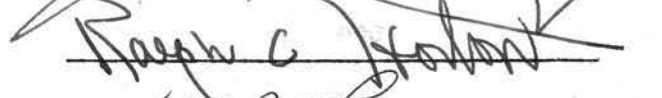

That Applicant, The Atchison, Topeka & Santa Fe Railway Company, be, and it hereby is, granted a certificate of public convenience and necessity, authorizing the removal of its present signal protection, and the installation, operation and maintenance of automatic flashing light signals at the grade crossing of South Hancock Road over the tracks of said railroad, at Mile Post 661 plus 34', being south of Colorado Springs, El Paso County, Colorado.

That the work to be done, installation and maintenance of the proposed automatic flashing light signals, shall be as indicated in the preceding Statement, said Statement, and Exhibits 1, 2, 3 and 4, by reference, being made a part hereof.

That the proposed signal devices and installation shall all be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
E. G. (JACK) PERRY, DOING BUSINESS)	
AS "SERVICE TRUCK LINES," 2500 EAST)	
QUINCY AVENUE, ENGLEWOOD, COLORADO,)	
FOR AUTHORITY TO TRANSFER PERMIT	)	APPLICATION NO. 12876-PP-Transfer
NO. A-16 TO SERVICE TRUCK LINE, INC.,)	
2500 EAST QUINCY AVENUE, ENGLEWOOD,)	
COLORADO.)	
-----)	

April 22, 1955

Appearances: Bruce Ownbey, Esq., Denver,
Colorado, for applicants;
William H. Welch, Esq., Denver,
Colorado,
Clarence Geyer, Denver, Colo-
rado, and
Mike Mitchell, Denver, Colorado,
for Bureau of Internal
Revenue;
Myron H. Burnett, Esq., Denver,
Colorado, and
John F. Mueller, Esq., Denver,
Colorado, for Myron H.
Burnett, as Receiver for
Fred W. Schultz, doing busi-
ness as "Denver-Pueblo Truck
Line;"
E. B. Evans, Esq., Denver, Colo-
rado, for Clyde A. Rice, a
creditor.

S T A T E M E N T

By the Commission:

E. G. (Jack) Perry, doing business as "Service Truck Lines,"
is the owner of Private Carrier Permit No. A-16, authorizing trans-
portation of:

freight between Denver and Pueblo and intermediate
points over U. S. Highway No. 85, and from and to
said points, to and from Greeley and Fort Collins
over U. S. Highway No. 85 and State Highway No. 5,
between Severance and Denver on ~~un~~numbered highways
and Colorado Highway No. 14, Severance to Fort
Collins; U. S. Highway 87, Fort Collins to Denver.

By Decision No. 35103, of date July 18, 1950, said permittee was authorized to mortgage all of his right, title, and interest in and to said permit to Denver National Bank, Denver, Colorado, to secure payment of the sum of Thirteen Thousand Dollars (\$13,000.00), in accordance with the terms and conditions of chattel mortgage, of date May 4, 1950, on file herein.

By Decision No. 37027, of date July 5, 1951, said permit was extended to include transportation of:

sugar, only, from Sugar City, Colorado, to Denver, Colorado, Pueblo to Fowler, via U. S. Highway No. 50, thence via unnumbered road to junction thereof with Colorado Highway 96, thence via Colorado Highway No. 96 to Sugar City, with no return haul, the service limited to but one customer, the National Sugar Manufacturing Company.

By the instant application, the permit-owner seeks authority to transfer all of his right, title, and interest in and to said permit to Service Truck Line, Inc., a Colorado corporation.

The application was duly set for hearing before the Commission, at 330 State Office Building, Denver, Colorado, May 13, 1954, but the setting was vacated on motion of transferor. It was again set for hearing at the same place for February 15, 1955, and hearing was again vacated on motion of transferor. The matter was re-set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 15, 1955, and heard and taken under advisement at that time and place.

The only witness who appeared in support of the application was E. G. (Jack) Perry, transferor, and his evidence developed the following facts:

On May 4, 1950, Perry, as authorized by the Commission, executed a chattel mortgage to Denver National Bank, securing the payment of his promissory note in the amount of \$13,000.00, the mortgage covering the permit and certain equipment. The note was signed by E. J. Campbell and R. W. Braun, as guarantors. The indebtedness so secured was increased to \$14,400.00 on September 13, 1950. On September 21, 1951,

the guarantors were requested to pay the indebtedness to the bank, which they did, and the note and chattel mortgage were assigned to them. The equipment has since been re-possessed by them under the terms of the mortgage.

Therefore, to-wit, on May 4, 1949, the Commission had authorized Fred W. Schultz, doing business as "Denver-Pueblo Truck Line," to lease Private Carrier Permit No. A-607 to Perry, the payments under the lease to be made to Myron H. Burnett, as Receiver for Schultz, under appointment by the District Court of the City and County of Denver. Perry became indebted to the Receiver in the sum of \$1,500.00, and because of his failure to make payments under prior Court Orders, on January 9, 1951 was adjudged in contempt of said District Court, and sentenced to a term of sixty days in the County Jail, to be suspended in the event the indebtedness was paid. Before serving any part of the sentence or making any payment, Perry filed voluntary petition in bankruptcy, and was adjudged a bankrupt on said petition on September 10, 1951, in the United States District Court for the District of Colorado. The Referee in Bankruptcy entered an Order staying the enforcement of the contempt judgment. Warrant of Distrainment issued, and the Referee then scheduled a sale of the permit and the equipment described in the chattel mortgage referred to for April 7, 1953. The Referee acknowledged the priority of the chattel mortgage, and on April 6, 1953, turned over the equipment and the permit described in the chattel mortgage to Perry, on the express condition that the equipment should be voluntarily turned over by him to E. J. Campbell and R. W. Braun for their full use and benefit (Exhibit B). Campbell, Braun and Perry then formed the corporation "Service Truck Line, Inc." The equipment was turned over to Campbell and Braun, and the instant application for authority to transfer the permit to the corporation was then filed.

At the time the equipment and permit were turned over to Perry for the use and benefit of Campbell and Braun, Perry paid the Bureau of Internal Revenue the sum of approximately \$3,100.00 --

supposedly being the amount due the Government up to that date -- in order that the deal might be consummated. No release was issued by said Department.

The consideration for the proposed transfer to the corporation is the cancellation of the indebtedness of Perry to Campbell and Braun, as the result of the payment by them to the Denver National Bank and the Bureau of Internal Revenue of Perry's full indebtedness to the former and partial indebtedness to the latter.

Testimony was given at the hearing as to the claims filed against Perry, resulting from his operations under the permit.

The claim of Myron H. Burnett, as Receiver, is based upon the judgment of the District Court above referred to, in the sum of \$1,500.00, plus \$500.00 per month from August 11, 1950 under the terms of the lease of Private Carrier Permit No. A-607 and additional obligations under contracts which terminated in October 1953, and will terminate in October, 1958. The amount of these claims has not been determined, except for that part represented by the \$1,500.00 judgment. This claim was presented to the Referee in Bankruptcy, but the question as to whether or not the claim was extinguished in the bankruptcy proceedings is still unresolved, and it is not within the province of the Commission to make the determination. Perry maintains that as the Burnett Claim is based solely upon Perry's operations under lease of Private Carrier Permit No. A-607 of Fred W. Schultz, it cannot be considered as a proper claim against his operations under Permit No. A-16.

As to his operations under Private Permit No. A-607, the records of the Commission (Decision No. 34944) show that his lease from Schultz was dated October 1, 1948, for a term of ten years, the rental being fixed at five per cent of the gross revenue realized from the operations, with a minimum monthly rental of \$250.00, payable to Myron H. Burnett, as Receiver. By petition, of date May 4, 1950, Perry requested the cancellation of the lease, and at hearing on this petition, on June 7, 1950, Perry attempted to show that a substituted

lease contained a cancellation clause providing for the cancellation by either party upon thirty days' written notice. Such substituted lease never having been presented to, or approved by, the Commission, and its existence not being substantiated, the request for cancellation of the approved lease was denied by the Commission by Decision No. 34944, of date June 13, 1950.

So far as the files of the Commission disclose, Perry is still liable to the Receiver under the terms of the lease for a minimum sum of \$250.00 per month, and will continue to be so liable until October 1, 1958. It was for the accrued portion of this indebtedness that the Receiver filed his claim in the bankruptcy proceedings.

The claim of Clyde A. Rice is also in controversy. Perry testified that he had never had anything to do with the transaction from which the claim arose. However, the files of the Commission under the Schultz Permit show that Schultz received authority from the Commission (Decision No. 25426) to execute a mortgage on Private Permit No. A-607 to Clyde A. Rice, to secure the payment of an indebtedness of \$11,500.00. Subsequently, Aetna Loan Company became the owner of the lien. Rice claims that he advanced the money (\$1,472.07) to Perry, who purchased the lien. Rice's claim is for the money he so advanced.

Detailed claim of the United States Treasury Department, Internal Revenue Service, has been filed herein.

After the payment of approximately \$3,100.00 by Campbell and Braun at the time the equipment and permit were released to them by the Referee in Bankruptcy, there remains a very substantial amount still due from Perry, with no arrangement made for its payment.

Perry has been discharged in bankruptcy. This claim was not filed in the bankruptcy proceedings, and there still remains unsolved the question as to whether or not the Burnett Claim was discharged.

The operations of Perry under Private Permit No. A-16 have had a stormy history. Prior to the issuance of the permit, by Order of May 1, 1930, in Case No. 529, he had been charged with operating

as a common carrier without authority, and referring to his testimony, the Commission, in its decision in that case, said:

"The evidence of the respondent was characterized throughout by equivocation and an attempt at concealment of facts obviously known to him."

The permit was issued June 24, 1931. Thereafter, several complaints were received by the Commission, and by Decision No. 6457, of date May 9, 1935, the Commission on its own motion, entered upon a general investigation of his operations. In Case No. 1579, he was charged with making and filing false and perjured monthly reports of the tonnage hauled by him during a four-month period, in order to avoid payment of the highway compensation tax due the State of Colorado, and in failing and neglecting to file with the Commission a written statement of the names and addresses of his customers, as required by the rules of the Commission. In Case No. 1588 he was charged with having operated over routes over which he was not authorized to operate. After hearing, the Commission reviewed the evidence in Decision No. 6782, of date November 1, 1935. An extensive check of the business done by Perry during the four-month period in question was made by the Commission's staff, and it found:

"a large volume of freight which was carried by the respondent upon the highways of the State which had never been reported. How much more freight was carried which the Commission never learned about we are, of course, unable to hazard a guess."

The amount of unpaid road-tax due the State on this transportation was found to be \$119.76, not including penalties, over and above the amount Perry had reported for the same period. It was further found that Perry had not filed a list of customers, as required by the rules of the Commission, until after the complaint was filed. He testified that he had kept no daily records, destroyed his bills of lading when the freight charges were paid, and made out his monthly reports from memory. In its decision, the Commission stated:

"In view of the fact that the tonnage reported was only thirty-two per cent of the total carried, it is difficult to avoid the conclusion that the respondent, in swearing to his reports, knew they were false."

And further,

"It is quite obvious that he made statements with a reckless disregard to the truth, although he took a formal oath to their veracity."

The Commission found that Perry had made false reports of freight hauled by him during the Months of October, November, and December, 1934, and the Month of January, 1935; that he made said reports and they were filed by him:

"either with a knowledge they were grossly false and fraudulent, or with a reckless and contemptuous disregard of the truth and with a conscious lack of knowledge of their truth or falsity."

By its decision, the Commission ordered that the permit, and all authority Perry might have to operate as a private carrier by motor vehicle, be suspended for a period of six months from November 10, 1935, and that for said period he cease and desist from operating, managing, or controlling motor vehicles over the public highways of the State as a private carrier by motor vehicle. He was further ordered to pay delinquent highway compensation taxes in the sum of \$119.76, together with statutory penalties. Perry paid the taxes, amounting in all to \$239.52, and by Decision No. 7633, of date May 14, 1936, the Order of Suspension was vacated and set aside, with the following comment by the Commission:

"The Commission feels that it should solemnly warn respondent that in the future he must conduct his operations according to law and the rules and regulations of the Commission, and that any further delinquencies on his part will have to be treated in a more severe manner."

Further complaints were filed against Perry and proceedings directed for various alleged violations of the law and the rules and regulations for transportation of freight to points not authorized to be served under the permit, to persons not named in his customer list, and for charging improper rates. The evidence on these complaints was reviewed in our Decision No. 9802, of date April 15, 1937. Perry explained his delinquencies by pleading ignorance, and the Commission found that the matters complained of -- while established at the hearing -- did not require disciplinary action, and dismissed the complaint.

The permit was assigned to Riss and Company and re-assigned to Perry. On April 4, 1949, it was revoked for failure to keep proper insurance on file, but restored to former status on May 2, 1949. It is not considered necessary to review the voluminous correspondence relative to lapses in insurance, claims of shippers, rates, etc.

Again returning to the hearing on the instant application to transfer, Perry testified that he operated Private Carrier Permit No. A-607 up to the time of the Court proceedings upon which the claim of Burnett is based, and Private Carrier Permit No. A-16 up to the time the Government levied upon his permit and equipment. After the release of the equipment to Campbell and Braun, as mortgagees, Perry continued to operate under the latter permit to date. Transferee corporation was formed on January 18, 1954, the incorporators being Richard W. Braun, E. J. Campbell, and one W. G. Berge. The Board of Directors for the first year were Braun, Campbell, and Perry. Braun is a wholesale florist, Campbell a wholesale liquor dealer, and so far as the evidence discloses, neither has had any experience in the transportation business. The operation has been left in the hands of Perry, in whose name the permit still stands, while the equipment is owned by Braun and Campbell, who have, no doubt, transferred it to the corporation, as the financial statement of the transferee corporation, filed in connection with the instant application, lists its only assets as equipment of a value of \$6,500.00. The files of the Commission show that all monthly reports since January, 1954, have been made in the name of "Service Truck Line, Inc.," although that corporation has never had any ownership in the permit. A Port of Entry ticket for July 1, 1954, shows a shipment of 12,000 pounds not reported to the Commission. We have not checked the tickets further, but evidently Perry has forgotten the former admonitions of the Commission relating to falsified records.

The fact remains that there are several unliquidated claims against Perry's operation under this permit which were not disposed of in the bankruptcy proceedings. Total claims of \$77,635 (including the \$1,500.00 claim of Burnett) were listed in the bankruptcy proceeding,

but the claim of Myron H. Burnett, as Receiver, the United States Treasury Department, and Clyde A. Rice -- each in a very substantial amount -- are still outstanding and not covered by Perry's discharge in bankruptcy.

This Commission has always hesitated to approve transfers of permits or certificates where all debts against the operations thereunder have not been paid or the transferee does not assume and agree to pay the same. Public convenience and necessity demand that every effort be made to protect persons dealing with carriers operating under authority from the State, and this Commission has always endeavored to lend its assistance in seeing that provision is made for creditors of a retiring operator. Operations under the permit have been woefully mismanaged by Perry. Moreover, he is not a retiring operator, as we are justified in inferring that the formation of the transferee corporation and the application to transfer the permit to that corporation was simply a subterfuge to enable the corporation to take over the permit, relieve the permit of any liability for previous operations thereunder, and render Perry immune from any personal liability for future delinquencies, and there is no indication that Perry will not continue to be the guiding hand in the operation. Had this been a proposed sale at arms length to a transferee whose financial statement shows that it could bear the burden of liabilities to be incurred by Perry in the future, judging from his past record, and had the corporation been willing to assume the still-existing indebtedness against the former operation of Perry under the permit, the Commission might have viewed the proposed transfer in a different light. While our Order will permit of Perry continuing operations under the permit in his trade name of "Service Truck Lines," which is almost identical with the corporate name of the proposed transferee, and will probably result in some confusion, his creditors may yet be benefitted to some extent by recourse to their legal rights to collect at least a small percentage of their claims from Perry's equity in the permit. We believe their rights should be protected to that extent.

Neither proper operating experience nor financial responsibility of transferee have been established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is, by reference, incorporated herein.

That the instant application should be denied.

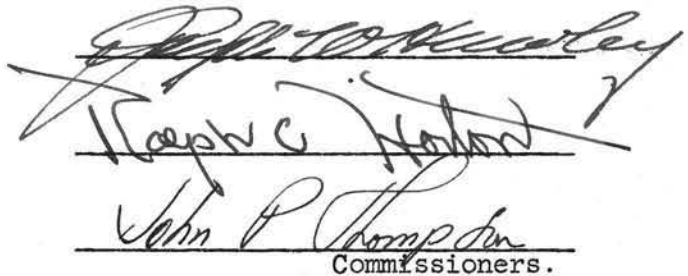
O R D E R

THE COMMISSION ORDERS:

That Application No. 12876-PP should be, and the same hereby is, denied.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1955.

ea

(Decision No. 44190)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION OF RAILROADS' TARIFF)
RESEARCH GROUP BY CHARLES S. BAXTER,)
CHAIRMAN, WASHINGTON, D. C., FOR)
AUTHORITY TO WAIVE THE REQUIREMENT)
THAT COLORADO P.U.C. NUMBERS BE)
SHOWN ON RAILROAD FREIGHT TARIFFS.)

APPLICATION NO. 13365

April 22, 1955

S T A T E M E N T

By the Commission:

On December 14, 1953, Mr. Charles S. Baxter, Chairman, Railroads' Tariff Research Group, Washington, D. C., filed with this Commission, an application in the name of and on behalf of all common carriers of property by railroad, for the general permission of the Commission waiving the requirement that Colorado P.U.C. numbers be shown in new tariffs and in reissues of existing tariffs.

In support of the request the application sets forth the following,
viz.:

- "1. The use of state commission numbers creates undue bulk in connection with cross reference to other tariffs.
2. The use of state commission numbers unduly crowds the title page.
3. The use of state commission numbers does not provide reliable information relating to intrastate application.
4. The railroads have adopted new and strict rules for the showing of intrastate application on the title page and in the tariff.
5. Replies to our Questionnaire No. 19 show an overwhelming desire by tariff users to have state numbers eliminated from tariffs.

Under the Railroads' Tariff Research Group's program to improve tariffs and supplements we are seeking by progressive stages to reduce substantially the quantity and variety of numbers used to identify tariffs and supplements."

On January 25, 1954, the Rate Department of the Commission advised Mr. Baxter, in part, as follows:

"All intrastate freight tariffs on file in the office of the Commission are filed under the name of the individual railroads and the agents on agency publications under their respective Colorado P.U.C. numbers.

This system has been followed since the enactment of the Public Utilities Act in 1913, and all of the cancelled tariffs since that date are filed under the P.U.C. numbers.

If we were to change our system of filing, it would mean not only a change in our current files, but a change in our cancelled tariff files, which would be an almost impossible task with our present personnel.

The Commission is not adverse to transferring the Colorado P.U.C. number from the front to the back of the title page, but it is adverse to the elimination entirely, as the Colorado P.U.C. number definitely serves a purpose with the Commission."

Under date of April 6, 1954, Mr. Baxter furnished further information on the subject and requested that the matter covered by his application and the additional information be reconsidered.

In the early part of January 1955, Mr. Lowe P. Siddons, President, National Industrial Traffic League, had a conference with the rate department of the Commission on this subject. After a full discussion and a first hand examination of the purpose the Colorado P.U.C. number plays in our tariff filing system, a plan was devised whereby the said number could be eliminated from the tariffs.

F I N D I N G S

THE COMMISSION FINDS:

That an order should be entered authorizing the waiving of its rules which refer to Colorado P.U.C. numbers in connection with the publication of railroad freight tariffs.

O R D E R

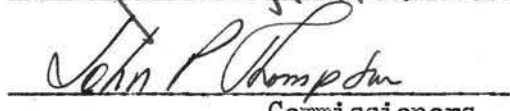
THE COMMISSION ORDERS, That:

1. This order shall become effective forthwith.
2. The statement and findings should be, and they are hereby made a part hereof.

3. Effective May 1, 1955, all of the rules of the Commission pertaining to, or making reference to Colorado P.U.C. numbers in connection with the issuance and publication of freight tariffs be and the said rules are hereby waived.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of April, 1955.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAY L. TRYON, BOX 38, DURANGO,)
COLORADO.)

PUC No. 2872-I

April 28, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jay L. Tryon, Box 38, Durango, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2872-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2872-I, heretofore issued to Jay L. Tryon, Box 38, Durango, Colorado be, and the same is hereby, declared cancelled effective April 19, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of April, 1955.

br

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RONALD REYNOLDS, DOING BUSINESS) PUC No. 2493-I
AS, "REYNOLDS TRUCKING COMPANY,")
BASSETT, NEBRASKA.)

April 28, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ronald Reynolds, dba "Reynolds Trucking Company," Bassett, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 2493-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2493-I, heretofore issued to Ronald Reynolds, dba "Reynolds Trucking Company," Bassett, Nebraska, be, and the same is hereby, declared cancelled effective April 20, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of April, 1955.

br

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DALE E. VAN EGMOND, 2625 NORTH MAIN,)
PUEBLO, COLORADO.)

PERMIT NO. B-2798

April 28, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

DALE E. VAN EDMOND

requesting that Permit No. B-2798 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-2798, heretofore issued to DALE E. VAN EGMOND

be,

and the same is hereby, declared cancelled effective February 18, 1955

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph T. Hawley
Ralph C. Gordon
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 28th day of April, 1955

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DELBERT W. PELTZER, CHAPPELL,) PUC No. 2457-I
NEBRASKA.)

April 28, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Delbert W. Peltzer, Chappell, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 2457-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

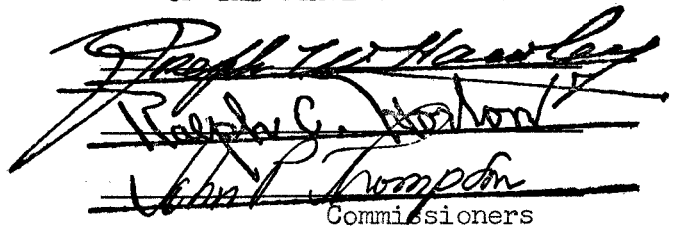
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2457-I, heretofore issued to Delbert W. Peltzer, Chappell, Nebraska, be, and the same is hereby, declared cancelled effective March 28, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of April, 1955.

br

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS W. MARLIN AND JESSE C. ROSSON,)
DOING BUSINESS AS "MARLIN-ROSSON)
MOVING & STORAGE CO.," 1708 REFINERY)
ROAD, GAINESVILLE, TEXAS, FOR AUTH-)
ORITY TO TRANSFER INTERSTATE OPER-)
ATING RIGHTS TO THOMAS W. MARLIN,)
DOING BUSINESS AS "MARLIN MOVING &)
STORAGE CO.," 1708 REFINERY ROAD,)
GAINESVILLE, TEXAS.)
-----)

PUC NO. 1946-I-Transfer

April 25, 1955

S T A T E M E N T

By the Commission:

Heretofore, Thomas W. Marlin and Jesse C. Rosson, co-partners, doing business as "Marlin-Rosson Moving & Storage Co.," Gainesville, Texas, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 1946-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Thomas W. Marlin, doing business as "Marlin Moving & Storage Co.," Gainesville, Texas, said Jesse C. Rosson being desirous of withdrawing from said partnership.

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

F I N D I N G S

THE COMMISSION FINDS:

That transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Thomas W. Marlin and Jesse C. Rosson, co-partners, doing business as "Marlin-Rosson Moving & Storage Co.," Gainesville,

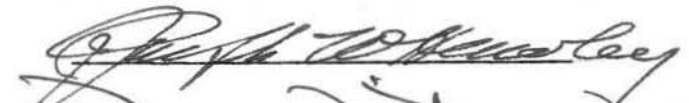
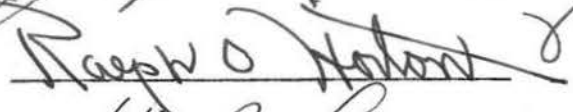
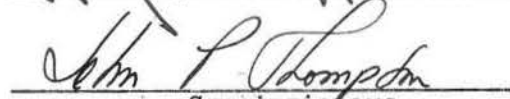
Texas, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1946-I to Thomas W.

Marlin, doing business as "Marlin Moving & Storage Co.," Gainesville, Texas, said Jesse C. Rosson being hereby authorized to withdraw from said partnership.

That transfer of operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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 April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED DE SAUTELS, SR., AND ALFRED)
DE SAUTELS, JR., CO-PARTNERS, DOING)
BUSINESS AS "ALFRED'S TRAILER TRANS-)
PORT COMPANY," 302 SOUTH EIGHTH)
STREET, COLORADO SPRINGS, COLORADO,) APPLICATION NO. 13318-Transfer
FOR AUTHORITY TO TRANSFER PUC NO.)
2636 TO ALFRED'S TRAILER PARK &)
SALES COMPANY, A COLORADO CORPORA-)
TION, 302 SOUTH EIGHTH STREET,)
COLORADO SPRINGS, COLORADO.)
-----)

April 25, 1955

Appearances: Alfred De Sautels, Jr.,
Colorado Springs, Colorado,
pro se.

S T A T E M E N T

By the Commission:

By the instant application, filed February 18, 1955,
Alfred De Sautels, Jr., in behalf of a partnership consisting of
his father and himself, seeks permission to transfer the common
carrier authority denominated PUC No. 2636 from the partnership
having the trade name "Alfred's Trailer Transport Company," to a
Colorado corporation, "Alfred's Trailer Park & Sales Company."

Said application, pursuant to prior setting, after appro-
priate notice to all parties in interest, was heard at the County
Court Room, Colorado Springs, Colorado, April 14, 1955, and at the
conclusion of the evidence, the matter was taken under advisement.

It appeared from the testimony that partnership is one of
father and son; that the father has recently passed away; and that
administration of his estate is now going forward under supervision
of the County Court of El Paso County, Colorado. The legal authority
of the surviving partner (that is, the son), in the matter of the

instant transfer was not shown. In the interest of accommodating applicant as much as the circumstances would permit, evidence was taken, upon the understanding that no favorable action could be taken in any event until the authority of the son, either as partner or as partner with authority to wind up partnership affairs, or as administrator or executor, or in some other manner cognizable at law, is established.

It appeared from the evidence that the partners had been operating at least two businesses: one, a trailer sales company, the other a trailer towing company. The former company had authority as a commercial carrier, not for hire, to deliver the trailers it sold. The latter company was engaged in the business of towing trailers for hire upon call and demand, throughout Colorado.

It is the purpose of the surviving partner, the son, to get all towing operations into one company, thereby simplifying accounting and other record-keeping.

It appeared that the operation under corporate name will be in the same manner, by the same people, and in other respects the same as it is under the partnership name. Evidence of financial responsibility satisfactory to the Commission has been provided.

No one appeared in opposition to the application, and as the transfer is compatible with the public interest, no reason appears why the transfer should not be permitted, if it be shown that the partner son was clothed with adequate authority to request the transfer, at the time the application was made.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

The evidence is sufficient to establish to the satisfaction of the Commission that the transfer, if otherwise authorized, is compatible with the public interest, but that the transfer should not be permitted until such time as the legal authority of the applicant Alfred De Sautels, Jr., in the matter, is established of record.

That decision of the matter should be held in abeyance, and no decision should be rendered before May 15, 1955, in order that the said applicant may have time within which to supply such evidence. If such evidence is not received by that date, then in the absence of any other pleading on the part of the applicant, the application should be denied.

O R D E R

THE COMMISSION ORDERS:

That said application should be, and the same hereby is, ordered placed in abeyance until May 15, 1955.

This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Hotel


John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROBERT W. TRIMBLE, 924 FOURTH AVE-)	
NUE, GREELEY, COLORADO, FOR A CLASS	)	<u>APPLICATION NO. 13331-PP</u>
"B" PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
- - - - -)	

- - - - -
April 25, 1955
- - - - -

Appearances: Robert W. Trimble, Greeley,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, in Greeley, Colorado, April 20, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is a contractor, with headquarters at Greeley. He owns a 1947 Chevrolet dump truck, five ton capacity, and expects to work for Hesser Construction Company of that city on road work, provided the application is granted. His net worth is \$6,000.00.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Robert W. Trimble, Greeley, 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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

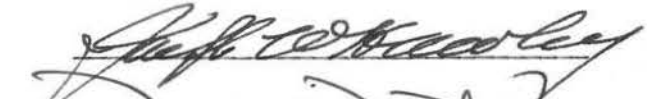
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Johnson
John P. Thompson

Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
VERNON BLOMQUIST, 245 SOUTH JACKSON)	
STREET, DENVER, COLORADO, FOR A)	<u>APPLICATION NO. 13338-PP</u>
CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
- - - - -)	

- - - - -
April 25, 1955
- - - - -

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 feldspar from mines within a radius of ten miles of Buffalo, Colorado, to Denver, Colorado.

Said application was regularly set for hearing at 330 State Office Building, Denver, Colorado, on April 21, 1955, due notice thereof being sent to all parties in interest, including applicant.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

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

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit and operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Vernon Blomquist, 245 South Jackson 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 feldspar from mines within a radius of ten miles of Buffalo, Colorado, to Denver, Colorado.

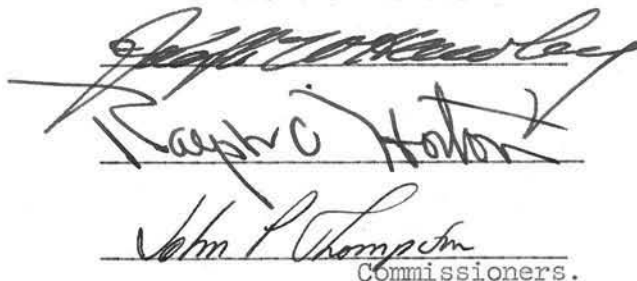
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
SUN CONCRETE COMPANY, 315 EAST)	
LOCUST STREET, LITTLETON, COLORADO,)	
FOR A CLASS "B" PERMIT TO OPERATE	)	<u>APPLICATION NO. 13340-PP</u>
AS A PRIVATE CARRIER BY MOTOR VE-)	
HICLE FOR HIRE.)	
- - - - -)	

- - - - -
April 25, 1955
- - - - -

Appearances: Maurice W. Duhaime,
Littleton, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

On March 16, 1955, applicant herein filed an application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials (including ready-mixed concrete), used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, ready-mixed concrete and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs.

Said application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on April 21, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Maurice W. Duhaime, the President of applicant company, testified that his company owns two Ford trucks with which the proposed operation will be carried on, and the net worth of said company is approximately \$20,000.

It appears that applicant company is a corporation duly organized and existing under the laws of the State of Colorado, and its Articles of Incorporation are on file with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted, and that the proposed operation of applicant will not impair the efficient public service of authorized common carrier serving the area.

O R D E R

THE COMMISSION ORDERS:

That Sun Concrete Company, a corporation, 315 East Locust Street, Littleton, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and other road-surfacing materials (including ready-mixed concrete), used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, ready-mixed concrete and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs.

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

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WARREN F. BEHRENS, 342 SOUTH SECOND)	
STREET, BRIGHTON, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A	)	APPLICATION NO. 13335-PP
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
- - - - -)	

- - - - -
April 25, 1955
- - - - -

Appearances: Warren F. Behrens, Brighton,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On March 8, 1955, applicant herein filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, on April 21, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant appeared in support of his application, and stated he has a 1½-ton 1948 Chevrolet truck with which he proposes to carry on his operation, and his net worth is approximately \$6,000.00.

It appears applicant is well qualified to carry on his proposed operation, and no one appeared in opposition thereto.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted and that the proposed operations of applicant will not impair the efficient public service of authorized common carrier serving the area.

O R D E R

THE COMMISSION ORDERS:

That Warren F. Behrens, 342 South Second Street, 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 and, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

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

That 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1955.
ea.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DON BLANSCET, 1046 WEST FIFTH AVE-)	
NUE, DENVER, COLORADO, FOR A CLASS)	APPLICATION NO. 13337-PP
"B" PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
- - - - -)	

- - - - -
April 25, 1955
- - - - -

Appearances: Don Blanscet, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On March 24, 1955, applicant herein filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at 330 State Office Building, Denver, Colorado, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he owns a 1949 3-ton International truck with which he proposes to carry on his operation, and that his net worth is approximately \$10,000.00.

No one appeared in opposition to the granting of the instant application, and it does not appear that the granting of said authority and operations of applicant thereunder will impair the services of common carriers.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Don Blanscet, 1046 West Fifth Avenue, 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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

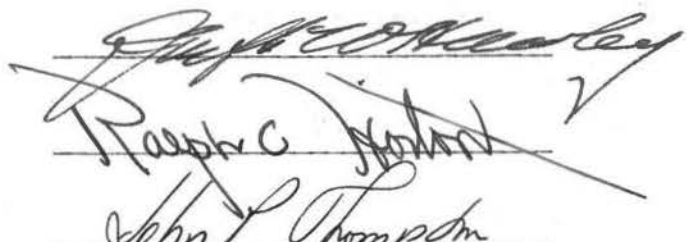
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That 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.

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

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1955.

original

(Decision No. 44202)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES R. WILLOX, ROUTE 3, BOX 840,)
FORT COLLINS, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 13332-PP

April 26, 1955

Appearances: Charles R. Willox, Fort Collins,
Colorado, pro se;
Clayton D. Knowles, Esq., Denver,
Colorado, for Union Pacific
Railroad Company and The Colo-
rado and Southern Railway 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 lumber, poles, and timber products, to and from points within a radius of one hundred miles of Fort Collins, Colorado, from and to Fort Collins, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 20, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

When the application was called up for hearing, applicant requested that the application be amended so as to request authority to transport native forest products, finished or unfinished, from the areas known as the "Chambers Lake Area, Gould Area, and Red Feather Area," all in Larimer County, Colorado, to Fort Collins, Colorado, and the lumber yard of East Side Lumber Company of Fort Collins, Colorado, if said yard is outside the City Limits of said city, and to Denver, Colorado.

The request for amendment was granted, whereupon the protestants withdrew their protests.

Applicant testified that he is at present engaged in farming near Fort Collins. He owns a 1946 Reo Truck, with flat body, and his net worth is \$10,000.00. His principal operation under the permit, if granted, will be to serve the East Side Lumber Company of Fort Collins, by hauling native forest products from the forests to either the mills of said company now located in the Red Feather Area, or to the yard of said company at Fort Collins, when requested, and also to transport forest products, if finished at the mills of said company in the Red Feather Area, to the yard of said company at Fort Collins or to Denver. And if the said company, or other companies, later install sawmills in the other two areas mentioned, he wishes to be in position to haul native forest products from those areas, either to Fort Collins or to Denver. He does not wish the permit limited to service for the East Side Lumber Company, only.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Charles R. Willox, Fort Collins, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of native forest products, finished or unfinished, from the areas known as the "Chambers Lake Area, Gould Area, and Red Feather Area," all in Larimer County, Colorado, to Fort Collins, Colorado, including the lumber yard and sawmill of the East Side Lumber Company of Fort Collins, Colorado, in the event said yard and sawmill are outside the City Limits of Fort Collins, and to Denver, Colorado.

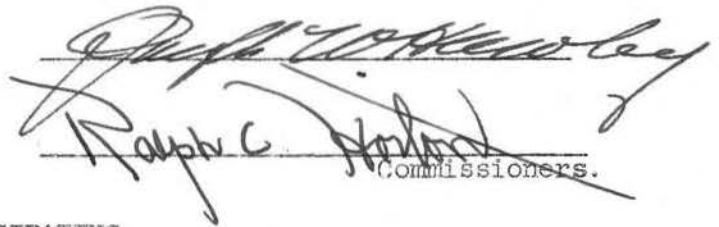
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JIMMIE ROMERO, P. O. BOX 695, LONG-)	
MONT, COLORADO, FOR A CERTIFICATE	)	APPLICATION NO. 13334
OF PUBLIC CONVENIENCE AND NECESSITY.)	
- - - - -)	

- - - - -
April 26, 1955
- - - - -

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle, for the transportation of ashes and trash between points within the City Limits of Longmont, Colorado, and to the City Dump.

Said application was regularly set for hearing at the Court House, Greeley, Colorado, April 20, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place appointed for hearing, applicant did not appears, either in person or by counsel, and there was no appearance by anyone else interested in the application.

Later investigation by the staff of the Commission shows that applicant has no present authority, through permit or license, to operate in the City of Longmont.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be dismissed for failure to prosecute the same.

O R D E R

THE COMMISSION ORDERS:

That Application No. 13334 should be, and the same hererby is, dismissed for lack of prosecution.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

~~John P. Thompson~~
~~Ralph C. Holcomb~~
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES T. STEPHENS AND DE LOYCE)
STEPHENS, BOX 387, FORT MORGAN,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-4806 TO CURTIS BARN-)
FIELD AND JAMES A. WARREN, CO-)
PARTNERS, DOING BUSINESS AS "B & W)
TRUCKING SERVICE," 519 WEST RAIL-)
ROAD AVENUE, FORT MORGAN, COLORADO)
-----)

APPLICATION NO. 13355-PP-Transfer

April 26, 1955

Appearances: Curtis Barnfield, Fort Morgan,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 43587, of date October 29, 1954, James T. Stephens and DeLoyce Stephens, Fort Morgan, Colorado, were authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

water, mud, and crude oil between points within
a radius of fifty miles of Fort Morgan, Colorado,

said operating rights being designated "Permit No. B-4806."

By the instant application, said permit-holders seek authority to transfer said Permit No. B-4806 to Curtis Barnfield and James A. Warren, co-partners, doing business as "B & W Trucking Service," Fort Morgan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 20, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Curtis Barnfield testified that he and James A. Warren had formed a co-partnership, doing business as "B & W Trucking Service," for the purpose of purchasing the permit

referred to, and operating thereunder in the same manner that operations have been conducted in the past by the transferors. He has been engaged in the transportation business under a Commercial Carrier Permit for the past year, and has conducted under said permit about the same kind of transportation that he now wishes to conduct for hire under the permit referred to. He and his partner are the owners of three 1954 G. M. C. Trucks, one 1950 Ford Truck, and a 1953 B. M. C. Truck, all with tank bodies, and also a 1954 Chevrolet pickup truck.

The net worth of the partners is \$25,000.00. They have investigated the operations of transferors, and are satisfied that there is no indebtedness against their operations under the permit. There is no cash consideration for the transfer, and the only consideration is the purchase by transferees from transferors of certain equipment. The transferors have moved from Colorado to Wyoming, and are no longer interested in the operation.

No one appeared in opposition to transfer of said operating rights.

The operating experience and financial responsibility of transferees were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That James T. Stephens and DeLoyce Stephens, Fort Morgan, Colorado, should be, and they are hereby, authorized to transfer all their right, title and interest in and to Permit No. B-4806 -- being the operating rights granted by Decision No. 43587 -- to Curtis Barnfield and James A. Warren, co-partners, doing business as "B & W Trucking Service," Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of this order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM HARKALIS, LYONS, COLORADO,)	APPLICATION NO. 13039-PP-Extension
FOR AUTHORITY TO EXTEND OPERATIONS)	<u>SUPPLEMENTAL ORDER</u>
UNDER PERMIT NO. B-4140.)	
-----)	

April 26, 1955

Appearances: Shirley Harkalis, Lyons,
Colorado, for applicant;
Marion F. Jones, Esq., Denver,
Colorado, and
Alvin J. Meiklejohn, Esq.,
Denver, Colorado, for
Sorenson Truck Service
and Vane Golden.

S T A T E M E N T

By the Commission:

By Decision No. 34190, of date February 3, 1950, William Harkalis, Lyons, Colorado, was granted Permit No. B-4140, with authority to operate as a private carrier by motor vehicle for hire, for the transportation of:

sand and gravel from pits located three miles west of Loveland, Colorado, to a tunnel job, located about nine miles west of Loveland, Colorado; rock, dirt, steel, lumber, and pipe used on the job referred to between points within a radius of three miles of said tunnel job above referred to.

By Decision No. 37092, of date July 18, 1951, said permittee was authorized to extend operations under Permit No. B-4140 to include the right to transport:

sand, gravel, and other road-surfacing materials from pits and supply points in the State of Colorado to road and building construction jobs located within a fifty-mile radius of said pits and supply points; excluding service in Clear Creek, Gilpin and Boulder Counties, except hauling may be done in Boulder County for the Boulder Toll Road, only; coal from the northern Colorado coal fields to Denver, Colorado; to Valmont Plant of Public Service Company located near Boulder; to the Kurer-Empson Plants, and to Great Western Sugar Company Plants, located within a fifty-mile radius of Denver; cement from LaPorte, Colorado, to points located within a twenty-five-mile radius of Loveland, Colorado.

By the instant application, said permit-holder seeks authority to extend operations under Permit No. B-4140 to include the right to transport building stone, flagstone, hay, and lumber and cinder blocks, between points within a radius of fifty miles of Lyons, and from and to points in said area, to and from other points in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room, Boulder, Colorado, September 14, 1954, and at the conclusion of the evidence, the matter was taken under advisement.

On March 15, 1955, Decision No. 44063 was entered by the Commission in said matter, authorizing applicant to extend operations under Permit No. B-4140 to include the right to transport:

building stone, flagstone, hay and lumber and cinder blocks, between points within a radius of fifty miles of Lyons, Colorado, and from and to points in said area, to and from other points in the State of Colorado, excepting, however, the right to transport cinder blocks for Longmont Silo and Block Company, 131 Third Avenue, Longmont, Colorado.

Thereafter, "Petition for Rehearing or Reconsideration and Brief in Support Thereof" was filed by Marion F. Jones, Attorney, in behalf of Protestant Sorenson Truck Service.

Subsequently, on April 6, 1966, the Commission issued its Decision No. 44142, granting said Petition for Rehearing, and setting aside said Decision No. 44063, said matter being assigned for rehearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, April 21, 1955, at ten o'clock A. M.

When said matter was called up for re-hearing, Shirley Harkalis, wife of applicant and authorized to represent him at the hearing, entered into a written stipulation with Chris Sorenson, representing Sorenson Truck Service and Golden Transfer, to the following effect:

"That in the first paragraph of the Order contained in Decision No. 44063, of date March 15, 1955, in the 7th line thereof, the word 'from' should be substituted for the word 'for' and that a Supplemental Order should be entered as a result of the rehearing, conforming in its entirety with said Decision No. 44063, except for the change to which they have stipulated."

F I N D I N G S

THE COMMISSION FINDS:

That William Harkalis should be authorized to extend operations under Permit No. B-4140 as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That William Harkalis, Lyons, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4140 to include the right to transport building stone, flagstone, hay and lumber and cinder blocks, between points within a radius of fifty miles of Lyons, Colorado, and from and to points in said area, to and from other points in the State of Colorado, excepting, however, the right to transport cinder blocks from Longmont Silo and Block Company, 131 Third Avenue, Longmont, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM E. BREWER, BELLVUE, COLO-)	
RADO, FOR A CLASS "B" PERMIT TO	)	APPLICATION NO. 13330-PP
OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	
-----)	

April 26, 1955

Appearances: William E. Brewer, Bellvue,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of lumber and lumber products from Chamber's Lake, Gould Area, and Red Feather Areas, in Larimer County, Colorado, to Fort Collins and to Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 20, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is a logging contractor, engaged in logging operations and hauling timber products and lumber, both finished and unfinished. The East Side Lumber Company, of Fort Collins, Colorado, has a sawmill and lumber yard about two miles southeast of Fort Collins, and also operates eight sawmills in what is known as the "Red Feather Area" in the mountains above Fort Collins.

Applicant expects to conduct logging operations for this company at present in the Red Feather Area, and later in the Chamber's Lake and Gould Areas. He will haul the timber products in their natural state to either the sawmill in the Red Feather Area or to the mill near Fort

Collins, and also haul the finished and processed natural products from the mills in the Red Feather Area to the yard of said company near Fort Collins. The company, and possibly other companies, expect to operate sawmills later in the Gould Area and Chambers Lake Area, and applicant wishes to be in position to serve those companies when such mills are established.

Applicant owns a Studebaker tractor with pole trailer, and his net worth is \$20,000.00.

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

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

It did not appear that applicant's proposed operation will tend to impair the efficiency of any common carriers operating in the area applicant seeks to serve.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted

O R D E R

THE COMMISSION ORDERS:

That William E. Brewer, Bellvue, 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 native forest products, finished or unfinished, from the areas known as the "Chambers Lake Area, Gould Area, and Red Feather Area" all in Larimer County, Colorado, to Fort Collins, Colorado, including the lumber yard and sawmill of the East Side Lumber Company of Fort Collins, Colorado, in the event said yard and sawmill are outside the City Limits of Fort Collins, and to Denver, Colorado.

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

That 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.

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

This Order shall become effective twenty-One days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GORDON W. BENNETT, 1221 XAPURY)	
STREET, AURORA, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A)	APPLICATION NO. 13336-PP
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
- - - - -)	

- - - - -
April 26, 1955
- - - - -

Appearances: Gordon W. Bennett, Aurora,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On March 8, 1955, applicant herein filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of water and water glass, from point to point within a radius of ten miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, on April 21, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant appeared in support of his application, and testified that he has two Ford trucks, one 1946 and one 1942, both equipped with tanks, to carry on his proposed operation.

It appears that applicant is well qualified to carry on his proposed operation, and his financial responsibility was established to the satisfaction of the Commission.

No one appeared in opposition to the granting of the instant application, and it does not appear that the granting of said authority would impair the services of common carriers operating in the area sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Gordon W. Bennett, 1221 Xapury Street, Aurora, 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 water and water glass, from point to point within a radius of ten miles of Denver, Colorado.

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

That 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD R. SAVEY, 100 MAPLE STREET,)
LITTLETON, COLORADO, FOR A CLASS) APPLICATION NO. 13339-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
- - - - -)

- - - - -
April 26, 1955
- - - - -

Appearances: Donald R. Savey, Littleton,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On March 14, 1955, applicant herein filed his application for a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, on April 21, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified in support of his application that he owns a 1951 2-ton Chevrolet truck, and his net worth is approximately \$20,000.

No one appeared in opposition to the granting of the authority sought herein, and it does not appear that the granting of said permit and operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Donald R. Savey, 100 Maple Street, Littleton, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

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

That 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GEORGE T. WEIGANDT, 385 ZENOBIA)	
STREET, DENVER, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A)	APPLICATION NO. 13341-PP
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
- - - - -)	

- - - - -
April 26, 1955
- - - - -

Appearances: Dave W. Weigandt, Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 10, 1955, applicant herein filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, and after appropriate notice to all interested parties, was heard at 330 State Office Building, Denver, Colorado, on April 21, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Dave W. Weigandt appeared in support of the application, and stated he was the son of applicant; that his father was absent from the state and had asked him to appear. He testified that his father's net worth was approximately \$10,000, and that he had a 1953 2-ton Ford truck with which he proposed to carry on his operation. Witness stated that in the event the authority is granted, applicant requested that he be given "Permit No. B-2289" being a number formerly held by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted and that the proposed operation will not impair the efficient public service of authorized common carriers serving the area.

O R D E R

THE COMMISSION ORDERS:

That George T. Weigandt, 385 Zenobia Street, Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

That the permit shall be designated "Permit No. B-2289."

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

That this order is the permit hereinprovided 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.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KNOWLES VANS, INC., 913 DAVENPORT)
AVENUE, OMAHA, NEBRASKA, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO ALFRED E. DEAN,)
DOING BUSINESS AS "DEAN VAN LINES,")
7750 EAST MONROE STREET, PARAMOUNT,)
CALIFORNIA.)

PUC NO. 597-I-Transfer

April 26, 1955

S T A T E M E N T

By the Commission:

Heretofore, Knowles Vans, Inc., Omaha, Nebraska, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 597-I issued to it.

Said certificate-holder now seeks authority to transfer said operating rights to Alfred E. Dean, doing business as "Dean Van Lines," Paramount, California.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

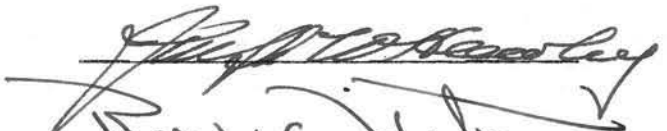
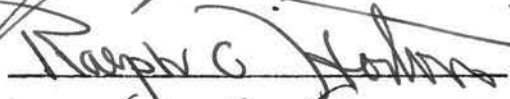

THE COMMISSION ORDERS:

That Knowles Vans, Inc., a corporation, Omaha, Nebraska, should be, and it hereby is, authorized to transfer all right, title, and interest in and to PUC No. 597-I to Alfred E. Dean, doing business as "Dean Van Lines," Paramount, California, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of

outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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 26th day of April, 1955.

mls

original

(Decision No. 44211)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) JOHN O. ANDERSON, 416 LINDEN STREET,) FORT COLLINS, COLORADO, FOR) AUTHORITY TO TRANSFER PERMIT NO.) B-4611 TO RALPH H. COWAN, 625 THIRD) STREET, GREELEY, COLORADO.)	<u>APPLICATION NO. 13329-PP-Transfer</u>
---	--

April 26, 1955

Appearances: John O. Anderson, Fort Collins,
Colorado, pro se;
Ralph H. Cowan, Greeley, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 40177, of date March 18, 1953, John O. Anderson, Fort Collins, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

"houses and buildings (excluding box cars and trolley cars) between points in Jackson, Larimer, and Weld Counties, Colorado, and between points in those counties on the one hand, and, on the other, points in the State of Colorado, except applicant shall not be permitted to render service from Denver or points within a five-mile radius of the City Limits of Denver, to points within the above-described area, it being understood, however, that applicant will be permitted to move from said area to points within the City of Denver and a five-mile radius thereof,"

said operating rights being designated "Permit No. B-4611."

By the instant application, said permit-holder seeks authority to transfer said Permit No. B-4611 to Ralph H. Cowan, Greeley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, April 20, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, John O. Anderson, transferor, testified that he has purchased a ranch, and because of ill health, will engage in farming hereinafter, instead of the trucking business. He has contracted to sell the authority to transferee for the sum of Ten Thousand Dollars (\$10,000.00), payable in cash if and when the application for transfer is approved by the Commission. This purchase price includes the permit and certain equipment described in the Description of Equipment on file with the Commission. There is no indebtedness against the operation.

Transferee Ralph H. Cowan corroborated the testimony of Mr. Anderson. He has had experience in the transportation business under a Commercial Carrier Permit since 1948. He identified a financial statement filed with the application to transfer, and stated that there had been no material change in his financial standing since the date of said statement on June 30, 1954.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

O R D E R

THE COMMISSION ORDERS:

That John O. Anderson, Fort Collins, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4611 -- being the authority granted by Decision No. 40177 -- to Ralph H. Cowan, Greeley, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

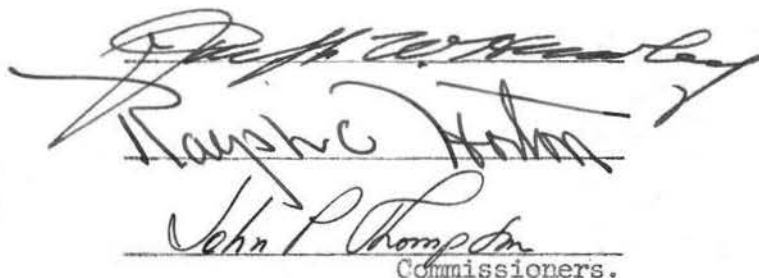
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANCIS MOWER & R. DALE MARK,)
DOING BUSINESS AS "M & M TRUCK)
LINE," 2118 NORTH MAIN, PUEBLO,)
COLORADO.)

PUC NO. 2987-I

April 29, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Francis Mower & R. Dale Mark, doing business as "M & M Truck Line," Pueblo, Colorado, requesting that their Certificate of Public Convenience and Necessity No. 2987-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2987-I, heretofore issued to Francis Mower & R. Dale Mark, doing business as "M & M Truck Line," Pueblo, Colorado, be, and the same is hereby, declared cancelled effective April 14, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hawley
Ralph C. Hawley
John P. Thompson

Dated at Denver, Colorado,
this 29th day of April, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF WESTERN SLOPE GAS COMPANY, A
COLORADO CORPORATION, 900 FIF-
TEENTH STREET, DENVER, COLORADO,
FOR AN ORDER AUTHORIZING THE
ISSUANCE AND SALE OF \$1,000,000.00
PRINCIPAL AMOUNT OF FIRST MORTGAGE
BONDS AT PRIVATE SALE AND THE
EXECUTION OF A CERTAIN CONTRACT
RELATING TO PAYMENTS FOR NATURAL
GAS SUPPLIED TO ITS PARENT COMPANY,
PUBLIC SERVICE COMPANY OF COLORADO.

APPLICATION NO. 13375
Securities

April 26, 1955

S T A T E M E N T

By the Commission:

Upon consideration of the application filed April 25, 1955, by Western
Slope Gas Company, a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on May 6, 1955, at 9:30 O'clock,
A. M., 330 State Office Bldg., Denver, Colorado, respecting the matters involved
and the issues presented in this proceeding. Any interested municipality or any
representative of interested consumers or security holders of applicant corpora-
tion, and any other person whose participation herein is in the public interest,
may intervene in said proceedings. Intervention petitions should be filed with
the Commission on or before May 2, 1955, and should set forth the grounds of the
proposed intervention, and the position and interest of the petitioners, in the
proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. Hawley
Ralph C. Storton
John P. Thompson
Commissioners

Dated at Denver, Colorado,
this 26th day of April, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

1955 GENERAL ORDER NO. 1

In the Matter of the Rules and Regulations Governing
Common Carriers by Motor Vehicle

On December 11, 1950, this Commission entered an Order (Decision No. 35454, in Case No. 5021), adopting Rules and Regulations Governing Common Carriers by Motor Vehicle, effective January 1, 1951.

On June 12, 1951, Supplemental Order was entered in said matter by the Commission (Decision No. 36928), amending the amount of public liability and property damage insurance.

On August 13, 1952, Supplemental Order was entered in said matter by the Commission (Decision No. 39185), amending Rule 2 of said Rules and Regulations Governing Common Carriers by Motor Vehicle.

Thereafter, a Bill, designated as "House Bill No. 9," and entitled:

"AN ACT RELATING TO MOTOR VEHICLES AND TO AMEND THE
LAW RELATING THERETO,"

was duly enacted into law by the Thirty-Ninth General Assembly of the State of Colorado, and became effective on January 1, 1955.

Subsequently, a Bill, designated as "House Bill No.271," and entitled:

"AN ACT CONCERNING MOTOR VEHICLES AND TO AMEND THE
LAW RELATING THERETO,"

was duly enacted into law by the Fortieth General Assembly of the State of Colorado, and became effective March 31, 1955.

The administration and enforcement of said laws are imposed upon The Public Utilities Commission of the State of Colorado, and it is given power to make reasonable rules and regulations in the premises.

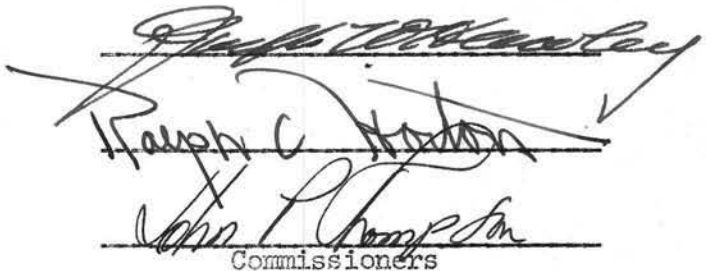
In pursuance thereof, the Commission hereby promulgates, adopts, and issues its rules and regulations for the administration of said laws, relating to Common Carriers by motor vehicle for hire, which said rules and regulations, numbered 1 to 40, inclusive, are attached hereto, and by reference made a part of this Order.

O R D E R

IT IS THEREFORE ORDERED, That the rules and regulations hereto attached and made a part hereof, be, and the same are hereby, promulgated, adopted, and approved, hereafter to be designated as "Rules and Regulations Governing Common Carriers by Motor Vehicle."

IT IS FURTHER ORDERED, That this Order and the rules and regulations hereby promulgated, adopted, and approved, shall be designated as "1955 General Order No. 1," and shall become effective May 1, 1955.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1955.

mmw

(S E A L)

THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

RULES AND
REGULATIONS
GOVERNING
COMMON
CARRIERS BY
MOTOR VEHICLE

(CERTIFICATES OF PUBLIC
CONVENIENCE AND NECESSITY)

Effective January 1, 1951,
with amendments
Effective May 1, 1955

(S E A L)

By Order of
THE PUBLIC UTILITIES COMMISSION
of the
STATE OF COLORADO

Joseph W. Hawley,
Ralph C. Horton,
John P. Thompson,
Commissioners.

ATTEST:

J. J. Mahoney,
Secretary.

RULES AND REGULATIONS GOVERNING
COMMON CARRIERS BY MOTOR VEHICLE

RULE 1

Carriers and Operators shall read Rules, Regulations,
and Law; Application of Rules.

Every Common Carrier by motor vehicle, and all operators, drivers, and employees of any such Common Carrier by motor vehicle, shall read the following Rules and Regulations, and the Statutes printed in this pamphlet, and shall become familiar with the same. These Rules apply to all Common Carriers by motor vehicle, ("motor vehicle carriers"), as defined by law (see statutes printed herein), operating in Colorado, and all such carriers shall at all times comply with these Rules and Regulations and all applicable statutes and laws of the State of Colorado.

Nothing in these rules and regulations shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any certificate of public convenience and necessity heretofore or hereafter issued to any Common Carrier.

(N. B.: In addition to these Rules, motor vehicle Common Carriers should refer to the Commission's Rules of Practice and Procedure for requirements as to rates, tariffs, filings, procedure, and other matters common to all carriers.)

RULE 2

Filing and Issuance Fees

All applications for a certificate of public convenience and necessity to operate as a common carrier, and all applications to sell, assign, lease, or transfer such certificates, shall be filed in the office of the Commission, at Denver, Colorado, upon payment of the following fees:

Intrastate Authority	
Filing Fee	\$35.00
Issuance Fee	<u>5.00</u>
Total	\$40.00
Interstate Authority	
Filing Fee	\$15.00
Issuance Fee	<u>5.00</u>
Total	\$20.00

Application for Transfer	
Intrastate Authority	\$15.00
Interstate Authority	5.00

An application to extend authority, either intrastate or interstate, shall require the same fees as an original application.

No fee shall be required in filing an application to curtail authority.

RULE 3

Contents of Application for Certificate

Every Common Carrier by motor vehicle, before commencing operations, shall make application to and receive from The Public Utilities Commission of the State of Colorado a certificate of public convenience and necessity. Said application shall contain the following information:

(a) The name and address of the applicant and the name under which the operation shall be conducted. If the applicant is a corporation, a statement of that fact, the name of the state in which it is incorporated, location of its principal office, if any, in this State, and the names of its Directors and Officers and Colorado Agent for Service. A corporation shall file with the Commission a copy of its Articles of Incorporation or charter and a foreign corporation shall file evidence of compliance with Colorado Law. If the applicant is a partnership, the names and addresses of all partners shall be set forth.

(b) A statement of the kind of transportation in which applicant intends to engage, whether passenger, freight, or express.

(c) A statement of the area, route, or routes, or the points to be served and the proposed time schedule, if any, all of which may be set out in the application or set forth in an exhibit attached thereto. In all cases, a map, blueprint, or sketch shall be attached to the application, showing the proposed area and route.

(d) a description of the equipment to be operated in the proposed service.

(e) The names of all motor vehicle common carriers, steam railroads, and electric railways with whom applicant will be likely to compete, and all Common Carriers known to the applicant to be operating over or parallel to such route, or serving the majority of the cities and towns listed.

(f) A statement of all the facts and circumstances relied upon by the applicant to show public convenience and necessity, and stating in detail the conditions requiring a new system or additional service by applicant, including all data necessary to give a complete understanding of the situation.

(g) A financial statement showing applicant's ability and resources and all details which may serve to indicate the permanency of the industry to be established by the applicant.

(h) A statement of the franchises, licenses, permits or other authority required or obtained by the applicant, which shall be set forth in the application or described in an exhibit attached thereto. Copies of all such authority from governmental units (See Section 36, Ch. 137, 1935 C.S.A.) shall be attached to the application.

(i) Every application shall be signed by the applicant or his or its attorney or agent with the address of such attorney or agent. Two copies besides the original, with copies of all exhibits, shall be filed with the Commission, and additional copies may be required by the Commission if it finds additional competitors entitled to notice.

RULE 4

Hearings -- Issuance of Certificates -- Temporary Certificates.

(a) All applications for intrastate certificates will be set down for hearing, and written notice thereof given to all competing motor vehicle common carriers whose operations may be affected by the issuance of such certificate, at least ten (10) days prior to the time fixed for such hearing, unless the Commission shall find that public interest or necessity require that any such hearing be held at an earlier date.

(b) While, ordinarily, interstate certificates will issue without notice or hearing, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, the Commission, if it so elects, may require a hearing on the application.

(c) The granting of any certificate of public convenience and necessity to operate a motor vehicle for compensation, either for the transportation of persons or property, shall not be deemed to be an exclusive grant or monopoly.

The Commission reserves the right and authority to grant additional certificates of convenience and necessity to other petitioners to operate motor vehicles over and along the same route or a part thereof if the public convenience and necessity may require, after a proper showing.

(d) Where, in the opinion of the Commission, the public convenience and necessity so require, the Commission may, after hearing, issue a temporary certificate for a limited time. Such temporary certificate shall expire on the expiration date therein set and shall thereafter be null and void without any further hearing, unless otherwise ordered by the Commission.

RULE 5

Transfer of Certificate.

No Common Carrier by motor vehicle shall sell, assign, lease, encumber, or transfer his or its certificate unless and until application has been made to, and authority obtained from, the Commission so to do.

(a) Such application shall be made in duplicate and shall contain all information concerning the transferee or transferees now or hereafter required in original applications.

(b) Unless the Commission finds after a hearing that the public interest otherwise requires, said application 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 surrendered.

(c) It must appear upon the records of the Commission that such certificate is in full force and effect, and that the certificate-holder has the required insurance or surety bond on file and has made all reports and paid all highway compensation tax due on account of his operation, before said application will be considered by the Commission.

(d) The financial standing and qualifications of the transferee to conduct the operation must be established to the satisfaction of the Commission before application will be granted.

(e) The transferor must not cancel his insurance, surety bond, or tariff on file with the Commission until the Commission has approved the transfer

and until the transferee has filed all such documents in his own name.

(f) The transferee shall not begin operations until after the Commission has approved the transfer and until said transferee has filed all necessary documents with the Commission, including the Acceptance required by this Rule, and secured the necessary identification cards and evidences of his authority.

(g) No transfer shall become effective in any event for any purpose unless and until the transferee shall file a written Acceptance with the Commission, accepting the terms and conditions of the order allowing the transfer, and stating the exact date on which said transferee will begin and be responsible for operations under the certificate. The Acceptance shall also contain a statement, which must be signed by the transferor, to the effect that transferee has complied with all provisions of the agreement of sale, lease, or other transfer.

(h) In every case where a transfer is sought, the transferor shall, under oath in the application itself, or in an exhibit attached thereto, state the names and addresses of his creditors to which he is indebted on account of expenses of his operation, and the amount of the indebtedness to each. The application shall also contain a statement by him and the transferee of the total consideration to be paid for the transfer. No order authorizing the transfer will be made unless such creditors are paid, or reasonable provision therefor, to be approved by the Commission, is made.

RULE 6

Extension of Certificate Prohibited without Hearing.

(a) No Common Carrier by motor vehicle shall extend, or in any manner enlarge, diminish, change, alter, or vary the territory, route or routes, or the service authorized by his certificate, or serve any points or transport any commodities not included therein, unless and until such Common Carrier has made application to the Commission and the Commission has authorized the same.

(b) No common carrier by motor vehicle shall extend or enlarge the route, territory, or privileges authorized in his or its certificate by transporting or accepting for transportation any shipment destined to or originating

at any point intermediate to the termini of his or its route, unless service to intermediate points is authorized by his certificate

RULE 7

Suspension, Revocation, or Alteration of Certificate.

(a) Any certificate may at any time be revoked, suspended, altered, or amended by the Commission, after a hearing, upon at least ten (10) days' notice to the Common Carrier affected, for any of the following reasons:

1. Violation of or failure to comply with any statutory enactment concerning Common Carriers by motor vehicle.
2. Violation of or failure to comply with the terms and conditions of his or its certificate.
3. Exceeding the authority granted in his or its certificate.
4. Violation of or failure to observe and comply with any lawful order, rule, or regulation of the Commission.
5. Where public convenience and necessity require such action.

(b) Voluntary suspensions may be granted by the Commission on application, upon such terms and conditions as the Commission may deem proper.

RULE 8

Dual Operations Prohibited.

Common Carriers who also hold a private carrier permit from this Commission shall not transport freight under more than one of such authorities on the same vehicle or combination of vehicles at the same time.

RULE 9

Failure to Begin Operations.

Failure on the part of any Common Carrier to commence operations over any route or routes specified in any certificate of convenience and necessity within thirty (30) days after the issuance of the certificate, unless otherwise provided in said certificate, shall be deemed sufficient cause for the Commission to cancel such certificate after reasonable notice and hearing thereon.

RULE 10

Abandonment of Operation.

(a) No Common Carrier having received from the Commission a certifi-

cate of public convenience and necessity shall abandon operations thereunder without first making application in writing to the Commission, submitting evidence giving reasons for the abandonment, and securing an order permitting such discontinuance and revoking and cancelling said certificate. Applications for abandonment may or may not be set for hearing, depending upon the protests received and the circumstances involved in the abandonment.

(b) Discontinuance of service for a period of five consecutive days without written notice to and approval by the Commission shall be deemed a forfeiture of all rights secured under and by virtue of the certificate, provided, however, that the Commission may permit the resumption of operations after such five days on proper showing that the carrier was not responsible for the failure to give service.

(c) The provisions of sub-paragraph (b) of this rule shall not apply to Common Carriers whose certificates authorize the transportation of passengers or property over irregular routes on call and demand, nor to Common Carriers engaged in sightseeing, taxi, or seasonal operations. Carriers engaged in seasonal operations shall notify the Commission in writing within five (5) days before the commencement and the close of the period for which such seasonal service is rendered.

RULE 11

Marking of Vehicles.

(a) Within ten (10) days after a certificate of public convenience and necessity has been issued to a motor vehicle carrier, the carrier shall cause to be painted on each side of the motor vehicles, trailers, and other vehicles used in his operation, except emergency vehicles, in letters of a color contrasting with the color of the vehicle, not less than two and one-half inches in height and not less than three-eighths of an inch in width, the following:

1. Name and address of carrier as set out in the certificate.

This requirement shall not apply to vehicles used exclusively in sightseeing and taxi service.

2. Colo. P. U. C. NO. _____.

(b) Motor vehicles used in the transportation of passengers only,

except passenger buses having a seating capacity of ten or more, may, in lieu of the above requirements, be identified by marking in accordance with (a) (2) only, or by securely attaching both in front and rear of each motor vehicle in such a manner as to be conspicuously displayed at all times, a metal plate, carrying certificate number as per specifications shown below and reading as follows:

C
O
L
O
FUC No. _____

Specifications: Background and letters in contrasting colors.

"Colo." reading down left-hand side, in letters $3/4$ of an inch in height and $3/16$ of an inch in width.

"P.U.C. No. _____" in letters two and one-half inches in height and $3/8$ of an inch in width.

(c) All markings shall be completely removed from all vehicles when permanently withdrawn from service under the certificate.

RULE 12

Description of Equipment.

(a) Every Common Carrier by motor vehicle to whom a certificate has been or may hereafter be issued shall file with the Commission upon forms to be supplied, a statement showing the make, type, year, license number, engine number, rated capacity, carrying capacity, empty weight, and unit number (if carrier operates more than one vehicle) of each truck, trailer, or other vehicle used in the business of said carrier for the transportation of persons or property. Compliance with this section is essential before identification cards (cab cards) may be issued.

(b) All certificate-holders shall either own their own motor vehicles operated under their certificate (proprietary control being deemed ownership), or lease such equipment, in accordance with these Rules.

RULE 13

Identification Cards (Cab Cards).

(a) No motor vehicle shall be operated upon the public highways of this State by any Common Carrier unless the identification cards herein pre-

scribed have been obtained and placed in each such vehicle.

(b) When any new certificate is issued, the Commission, after all necessary documents have been filed, will issue identification cards for all vehicles described in the application.

(c) When any vehicle is replaced or a new vehicle placed in service by the carrier, whether by purchase or lease, application for new identification card shall be made upon the forms prescribed by the Commission, and cards for any replaced vehicles shall be destroyed within ten (10) days after such change is made.

(d) Identification cards shall be obtained annually, when new State license plates are obtained, for each vehicle in service and the cards issued for the preceding year shall be destroyed.

(e) No identification card shall be altered in any manner nor shall any such card be used or placed upon any other vehicle than the one for which it was issued.

(f) No identification card shall be issued for any vehicle unless and until the insurance, description of equipment, and all other necessary documents relating to such vehicle shall have been filed with the Commission.

RULE 14

Leasing of Equipment as Lessee.

Unless the Commission finds after a hearing that the public interest otherwise requires, no Common Carrier shall, as lessee, lease or rent equipment to be used under his certificate except in accordance with these Rules.

(a) No lease of equipment shall be executed for any period less than six (6) months.

(b) Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or employing of drivers, with compensation on a percentage basis, dependent on gross receipts per trip, or for any period of time, is prohibited. Leases of equipment shall be in writing, and a duplicate original of such lease with the actual signatures of lessor and

lessee thereon, shall be filed with the Commission. The Commission shall at all times have the right to examine all leases of equipment, and approve or disapprove the same.

(c) No Common Carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof to any person, firm, or corporation not a carrier by motor vehicle for hire.

RULE 15

Emergency Equipment -- Emergency Letters.

(a) Whenever any Common Carrier by motor vehicle, in cases of emergency or unusual demands for transportation, must use equipment not listed with the Commission and for which identification cards have not been issued, the certificate-holder shall furnish the operator of each emergency vehicle with, and the operator of any such vehicle shall carry, a letter in the form attached hereto as "Appendix A," stating that the emergency vehicle described in such letter is being operated as such under the authority of the certificate held by the Common Carrier using such emergency vehicle. Such letter of authority shall specify the number of the certificate held by the writer thereof, the name and address of the owner of such emergency vehicle, license number, and a complete description thereof, and the period for which the emergency vehicle is to be operated as such.

(b) A copy of such letter of authority shall be mailed immediately by the certificate-holder to The Public Utilities Commission of the State of Colorado, at Denver, Colorado.

(c) The driver or operator of any such emergency vehicle need not bear the relationship of an employee to the carrier, but in all such cases, all requirements of these rules shall be complied with by said driver and operator, and the carrier hiring said equipment and driver shall be held fully responsible for said driver and operator in regard to insurance and all other requirements of law and of these Rules.

RULE 16

Use of Certificate by Others than Certificate-Holder.

No Common Carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate

any vehicles, except emergency vehicles permitted by these rules, under his or its certificate, without first having obtained the consent of the Commission in writing. Any Common Carrier permitting any person, firm, or corporation to operate vehicles under his or its permit, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user.

RULE 17

Equipment of Motor Vehicles -- Sightseeing Service.

(a) All motor vehicles shall be maintained in a safe and sanitary condition, and shall be at all times subject to inspection by the Commission or its duly authorized representatives and shall not be used or operated if found to be in an unsafe condition by the Commission or any of its said representatives.

(b) All motor vehicles used in the transportation of persons and having a covered top, or top up, and operated during the period from one hour after sunset to sunrise, shall maintain a light or lights of not less than two (2) candle power each within the vehicle and so arranged as to light up the whole of the interior thereof except that portion occupied by the driver.

(c) All motor vehicles used in the transportation of persons shall, when leaving a terminus, be equipped with at least one extra serviceable tire.

(d) Passenger-carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same reasonably comfortable for its patrons.

(e) Passenger-carrying vehicles shall be equipped with a power windshield wiper and defrosting apparatus which will provide the driver with clear vision in all kinds of weather.

(f) There shall be an adequate system of ventilation, and exhaust gases from the motor shall be vented to keep them outside the body of the vehicle.

(g) There shall be an approved fire extinguishing apparatus accessibly located within the motor vehicle.

(h) Sufficient reserve equipment shall be maintained by all motor carriers to insure the reasonable maintenance of established routes and fixed time schedules. Where a carrier's equipment is limited by its certificate of

convenience and necessity, no increase thereof is permissible except on application to and authorization by the Commission.

(i) No motor vehicle carrier engaged in sightseeing service shall operate any vehicle in the transportation of passengers which is more than ten years old; provided, however, that upon written request to The Public Utilities Commission by any such motor vehicle carrier, and after investigation by duly authorized inspectors of the Commission, the Commission may extend the use of such equipment for a longer period, and provided further that the Commission may prohibit the operation of any equipment less than ten years old which, in the opinion of the Commission's duly authorized inspector, is unsafe for the transportation of passengers over any route operated by the carrier.

(j) If any duly authorized representative of the Commission shall find, upon inspection of any motor vehicle used in passenger, sightseeing or auto livery service, that any such motor vehicle is being maintained in an unsafe or unsanitary condition, or does not have sufficient power to effect a practical operation hereunder, such representative shall be authorized to take such motor vehicle out of service, either permanently or temporarily. In the event that the removal of such motor vehicle from service shall be only temporary, the operator shall not again use such motor vehicle until it is again inspected by a representative of the Commission and its condition approved as safe and sanitary, and otherwise meeting the requirements of this Rule.

(k) All motor vehicles used in sightseeing or auto livery service shall at all times carry the following accessories and equipment, to-wit: At least one extra tire, one set of tire chains, one jack, one lug wrench, one hammer, one screw driver, one pair of pliers, one flash-light, and such other accessories and equipment as the Commission shall, from time to time, prescribe. All such accessories and equipment shall at all times be in serviceable condition.

(l) No operator engaged in sightseeing or auto livery service shall use in such service a motor vehicle of larger seating capacity, or of other kind or type, than that allowed under his certificate of public convenience and necessity, unless authorized to do so by the Commission. In no event shall such

operator use in such service a motor vehicle of a kind or type other than is practical for his operation, the kind or type to be approved by the Commission, or its duly authorized representative.

(m) No operator engaged in sightseeing or auto livery service shall carry in any motor vehicle used in such service more passengers than the rated carrying capacity of such vehicle as established by the manufacturer thereof; provided, however, that in no event shall more than two passengers, including the driver, be carried in the front seat of such vehicle, unless the width of the front seat is sixty inches or more, in which event three passengers, only, including the driver, may be so carried.

(n) Organized Party Tours. Sightseeing operators shall extend organized party fares only to bona fide organized tours, which have been organized, and for which transportation has been engaged, by letter or telegraph prior to the starting time, from point of origin of the party, and on which the members thereof are traveling together under the personal supervision of a guide or manager.

RULE 18

Insurance -- Surety Bond.

(a) Every Common Carrier by motor vehicle shall obtain and keep in force at all times public liability and property damage insurance, or a surety bond providing similar coverage, issued by some insurance company or surety company authorized to do business in the State of Colorado, which shall be in such form, with such schedules and endorsements as may be prescribed by the Commission, covering all vehicles which may at any time be operated by or for, or which may be under the control of, the carrier (such coverage to be accomplished by a so-called "Waiver of Description" endorsement on each policy), in no less amounts than the following:

(1) Passenger Carriers:

<u>Passenger Capacity</u>	<u>For Death or Injury to any one person</u>	<u>Total Liability in any one accident</u>	<u>Property Damage</u>
12 or less	\$ 10,000	\$20,000	\$5,000
13 to 18, inclusive	10,000	30,000	5,000
19 to 24, inclusive	10,000	40,000	5,000
More than 24	10,000	50,000	5,000

(2) Vehicles used in transportation of property:

For death or injury to any one person,	\$10,000;
Total liability in any one accident,	20,000;
Property damage	5,000.

(3) Cargo coverage:

Light weight vehicles, one ton or less rated capacity	\$ 500
Medium weight vehicles, over one ton and not to exceed three and one-half tons rated capacity	750

Heavy weight vehicles, over three and one-half tons rated capacity	1,000
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Provided that no cargo carrier shall in any event accept or transport any single shipment unless the declared value of the shipment is covered by trip insurance or other cargo insurance.

The Commission may increase, decrease, or amend these requirements as to the extent of coverage for any carrier.

(b) A Certificate of Insurance, (or Surety Bond) executed by a duly authorized agent of the insurer, shall be filed with the Commission in lieu of the original policy, such certificate to be in a form prescribed by the Commission. Original policy is to be retained by the assured and kept available for inspection by any authorized representative of the Commission.

(c) All certificates of insurance filed under this Rule covering public liability and property damage must show the radius, route, or distance within or over which the policy or bond is effective. If this is not shown, it will be presumed that the policy or bond provides coverage throughout the State of Colorado, and such certificates will be accepted on that basis only.

(d) All insurance coverage must be filed with the same initials, name, trade or corporate name, and address as listed in the application for the certificate, subject to changes of address upon written notice to the Insurance Department of the Commission.

(e) Every insurance certificate required by and filed with the Commission shall be kept in full force and effect unless and until cancelled by ten (10) days' written notice, which time shall run from the date the notice is actually received by the Commission, and the certificate shall contain a statement to this effect.

RULE 19

Compliance with Uniform Motor Vehicle Code.

All Common Carriers by motor vehicle shall comply with the provisions of the Colorado Uniform Motor Vehicle Code and other State or local legislation applicable to the use of motor vehicles upon the public highways of this State, and all rules concerning lights, brakes, size, weight, and loads of any such motor vehicles, and all laws governing the registration and licensing of vehicles, equipment and drivers.

RULE 20

Drivers; Maximum Hours.

(a) No Common Carrier shall cause or allow any driver or operator to work as such for more than a maximum of ten (10) driving hours in the aggregate in any twenty-four-hour period unless such driver, or operator, shall be off-duty for at least eight consecutive hours' rest during or immediately following the ten hours' aggregate driving and within said twenty-four-hour period, provided that two periods of resting or sleeping in the truck berth may be cumulated to give the total of eight hours off duty. No carrier subject to these regulations, if himself a driver, shall remain on duty or drive for longer periods than those prescribed for employed drivers.

(b) In case of any emergency, a driver may complete his run without being in violation of the provisions of these regulations, if such run, except for said emergency, could reasonably have been completed without such violation.

RULE 21

Stops at Railroad Crossings and Port of Entry.

(a) The driver of any motor vehicle carrying passengers for hire, or of any vehicle carrying explosive substances or inflammable liquids, as a cargo, or part of a cargo, before crossing at grade any track or tracks of any railroad, shall bring such vehicle to a full stop out of the line of traffic as far as possible, within fifty feet, but not less than ten feet from the nearest rail of such track or tracks, and while so stopped shall listen and look in both directions along such track or tracks for any approaching locomotive, train, or car, and for signals indicating the approach of a locomotive, train or car, and

shall not proceed across said track or tracks until such crossing may be safely made. No stop need be made at any such crossing where a police officer or a traffic control signal directs and controls the flow at such crossing.

(b) The foregoing rule shall not apply to the operations of motor vehicle carriers within municipalities over the tracks of electric railroads.

(c) Where there are two or more adjoining main line tracks at any public highway grade crossing, located one hundred and twenty feet or more apart, measured center to center of tracks, and where such tracks are closer together, and conditions make it necessary, in the opinion of the Commission, to stop such vehicles, then the driver of such motor vehicle shall cause such vehicle to come to a full stop at each track.

(d) All Common Carriers shall stop at all Ports of Entry or PUC Inspection Stations within this State on the route of such carrier or through which such carrier would pass if the authorized route or normal route were traveled, and shall not proceed through such Ports until authorized so to do by Port Officials.

RULE 22

Sanitary Regulations.

(a) All motor vehicles used for the transportation of foodstuffs shall be kept in a clean and sanitary condition, and all Common Carriers shall comply with the Rules and Regulations of the State Department of Agriculture and the State Dairy Commissioner when transporting milk, cream, and other commodities, the transportation and distribution of which are under the jurisdiction of the above-mentioned departments of the State.

(b) No Common Carrier by motor vehicle shall transport milk and cream or other foodstuffs upon the same vehicle with livestock or live poultry, unless such carrier secures the prior approval of the Commission and complies with Section (a) of this Rule.

(c) No Common Carrier by motor vehicle shall transport milk, cream, or other foodstuffs, upon the same vehicle with gasoline, kerosene, oil, mixed feeds, coal, or other commodities that might contaminate the milk, cream, or other foodstuffs, unless the same are carried in a separate, tightly closed compartment.

RULE 23

Transportation of Explosives and Dangerous Articles.

All Common Carriers by motor vehicle who are authorized by order of this Commission to transport explosives shall conform to the Rules and Regulations of the Interstate Commerce Commission concerning such transportation.

RULE 24

C. O. D. Shipments: Bond Required.

(a) Unless such carrier shall have secured a written waiver from the Commission, no Common Carrier by motor vehicle, except motor vehicle carriers supplemental to railroad transportation and on railroad Bills of Lading, shall accept any C.O.D. shipments or otherwise collect money from any consignee to be paid to any consignor, or render any C.O.D. service, unless such carrier has published, posted, and filed with this Commission tariffs which contain rates, charges, and rules governing such service (which rules shall conform to this Rule), and unless such carrier shall have on file with this Commission cash or a surety bond in an amount not less than \$2,000.00, in such form as the Commission may prescribe, conditioned upon the true and prompt payment of any such C.O.D. or other collections by the carrier to the consignor.

(b) Every motor vehicle Common Carrier subject to this Rule shall remit each C.O.D. collection directly to the consignor (or other person designated by the consignor as payee) promptly and at least within ten (10) days after delivery of the C.O.D. shipment to the consignee. If the C.O.D. shipment moved in interline service, the delivering carrier shall, at the time of remittance of the C.O.D. collection to the consignor or payee, notify the originating carrier of such remittance.

(c) The surety bond to be filed with the Commission shall authorize the Commission summarily to apply any part or all of the amount thereof to the payment of any C.O.D. or other collection account owed by the carrier to any consignor, which the carrier has not paid within ten (10) days after the receipt thereof.

(e) No C.O.D. shipment shall be delivered by any carrier unless the consignee shall pay the full amount of the charges due thereon, and delivery of

C.O.D. merchandise shall constitute prima facie evidence that payment has been received by the carrier, and shall authorize the Commission to pay the charge from the C.O.D. deposit on file if payment is not made by the carrier.

(e) The Commission may waive this Rule and allow self-insurance by Common Carriers upon application showing financial responsibility to the satisfaction of the Commission.

(f) Every motor vehicle Common Carrier subject to this Rule handling C.O.D. shipments as a delivering carrier, shall maintain a record of all C.O.D. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment:

- (1) Number and date of freight bill;
- (2) Name and address of shipper or other person designated as payee;
- (3) Name and address of consignee;
- (4) Date shipment delivered;
- (5) Amount of C.O.D.;
- (6) Date collected by delivering carrier;
- (7) Date remitted to payee; and
- (8) Check number or other identification of remittance to payee.

RULE 25

Accident Reports.

Accidents arising from or in connection with the operation of motor vehicles under these rules and regulations resulting in injury to any person shall be reported immediately in detail to the Safety Division of the Colorado Motor Vehicle Department in accordance with the Colorado Motor Vehicle Code.

RULE 26

Annual Reports.

Every motor vehicle carrier holding an active Common Carrier certificate shall file an Annual Report with this Commission not later than three months after the close of the calendar year, or if on a fiscal year basis, may, upon obtaining permission from the Commission, file three months after the close

of the fiscal year, on forms furnished by the Commission, showing:

- (a) Statement of Assets and Liabilities;
- (b) Itemized statement of gross revenues and expenses;
- (c) Number of motor vehicles owned and operated;
- (d) Number of passengers carried, passenger miles, and car miles;
- (e) Number of tons of freight hauled, ton miles and truck miles, and
- (f) Any additional information that may be requested or required by the Commission.

Motor vehicle carriers operating interstate shall report the total business performed as fully and completely and in the same manner as required of intrastate carriers.

In making reports, carriers shall use the following classifications:

Class I -- Carriers having average gross operating revenues (including interstate and intrastate) of \$200,000.00 or over annually from motor carrier operations shall file an annual report on the Form "A" report prescribed by the Interstate Commerce Commission for carriers of freight or passengers. (Forms to be supplied by the Commission).

Class II -- Carriers having average gross operating revenues (including interstate and intrastate) of less than \$200,000.00 annually from motor carrier operations shall file an Annual Report on Form A-3MV, Revised, prescribed by this Commission. (Forms to be supplied by the Commission).

All Motor Vehicle Carriers shall file promptly any other special reports that may be requested from time to time by the Commission.

RULE 27

Bills of Lading.

(a) Every motor vehicle carrier, unless otherwise provided herein, shall issue, at time of accepting shipment, a bill of lading covering each shipment, which shall be itemized in a manner so as to fully and clearly show the description and classification of the shipment and the rate charged for transportation thereof.

(b) Motor vehicle carriers, when engaged in transporting milk and cream, ore, concentrates, coal, sand, gravel, gasoline, oil, grain, or other

bulk commodities, in truck loads from one consignor to one consignee, at one time, will not be required to issue and carry bills of lading if some other written record of each shipment is issued, received and carried by the carrier showing the description, classification, and rate as above required.

(c) All bills of lading used shall be in the form of the uniform straight bill of lading which has been prescribed as the uniform bill of lading by the Commission in Case No. 1585.

(d) Copies of all bills of lading shall be filed in chronological order, separate and apart from all other records, and retained by the carrier at his or its place of business within the State of Colorado for a period of at least two years, and shall be made available to the Commission or its representatives upon request.

RULE 28

Load Sheets or Manifests.

Every motor vehicle carrier of freight, except as herein provided, shall carry with each truck a load sheet or manifest, or in lieu thereof, duplicate bills of lading or freight bills for all shipments except milk and cream, carried on each truck, which shall be subject to inspection at all times.

This load sheet or manifest shall be made out in duplicate for each motor vehicle carrying freight (property for hire) by the forwarding agent or office of the carrier prior to the beginning of each trip. The second copy shall be delivered to the driver who will, after completing the trip, add to the report shipments taken aboard en route, if any, and return the report to the general office or dock of the carrier. The original copy shall be retained at the forwarding office, which, after receiving the driver's or second copy, shall have transcribed thereon the record of additional shipments, if any, taken aboard by the driver. These load sheets or manifests shall be numbered in numerical order by print at the time of printing. The load sheet or manifest when properly filled out shall contain the number of all bills of lading or express receipts, the destination, consignor, consignee, and weight of the shipments covered by the freight bills, together with the make and license number of the truck and the signature of the driver or drivers. All interstate motor vehicle carriers shall keep a copy of each such manifest or load sheet at some place in the State of Colorado, which shall show the foregoing details concerning every shipment transported into or out of the State.

Every motor vehicle carrier shall preserve one complete original copy of every such load sheet or manifest issued, in numerical order, at his or its principal office within the State for a period of at least two (2) years.

Motor vehicle carriers engaged in transporting ore, concentrates, coal, sand, gravel, gasoline, oil, or other bulk commodities in truck loads from one consignor to one consignee, will not be required to carry the load sheets or manifests required by this rule, if, in lieu thereof, a bill of lading, shipping order or some other written record of each load or trip is kept and carried on each truck, and shall be preserved in numerical or chronological order for a period of at least two (2) years as required by this rule for the preservation of manifests or other daily trip reports.

All such load sheets, trip reports, manifests, bills of lading, shipping orders or other written records kept under the provisions of this Rule shall be filed separately from all other records of the carrier, and shall be made immediately available to the Commission or its representatives upon request.

RULE 29

Passenger Tickets and Baggage Checks.

(a) All motor vehicle carriers transporting passengers are required to provide and sell tickets at tariff rates, to cover the transportation of each and all passengers carried, tickets to be taken up and cancelled by the driver or person in charge, provided that the Commission may by order make such exception from the operation of this rule as it may consider just and reasonable.

Tickets (single or round-trip) shall be printed and shall show station of origin and destination. Each issue of tickets printed shall be numbered in numerical order, each ticket bearing a different number. A record shall be kept of the number of tickets printed, sold, and used, spoiled or otherwise destroyed.

(b) All motor vehicle carriers, whose tariffs or rules provide for the carrying of baggage, shall be required to issue baggage checks or receipts for each piece of baggage when placed in their possession, same to be taken up upon re-delivery of baggage to the passenger.

RULE 30

Commissions for Soliciting Business.

(a) No motor vehicle carrier shall pay any commission, fee, or compensation in the nature of a commission, to any individual, firm, association, or corporation, their lessees, trustees, or receivers, in Colorado, for the sale of any ticket or fare, or for the soliciting, receiving, billing, handling or delivery of property, or for any service in connection with the transportation of property, unless the motor vehicle carrier shall have filed with the Commission before the first service is rendered or act is done, for which such commission, fee, or compensation is to be paid, a signed statement giving the name of the payee, his, their, or its address, the amount of such commission, fee or compensation to be paid, and the period during which the payment, or payments, shall be made.

(b) No motor vehicle carrier conducting a sightseeing operation shall pay any commission, fee, or compensation in the nature of a commission, directly or indirectly, to any individual, firm, association, or corporation, for the solicitation of business or sale of any ticket or fare, in excess of twenty per cent (20%) of the rate charged for such ticket or fare.

RULE 31

Tariffs and Rates to be Observed.

(a) No motor vehicle carrier shall charge, demand, collect, or receive a greater, or less, or different, compensation for the transportation of any commodity or shipment than the rates, charges, classifications, exceptions, rules and regulations, prescribed by the Commission for the transportation of any such commodity or shipment, which said rates, charges, classification, exceptions, rules and regulations shall be published in the manner and form prescribed by law and the orders of the Commission.

(b) No motor vehicle carrier shall charge, demand, collect, or receive a greater, or less, or different, compensation for any service rendered, or to be rendered, than the rates and charges applicable to such transportation service as specified in its schedules on file and in effect at the time, nor shall any such motor vehicle carrier refund or remit, directly or indirectly,

in any manner or by any device, any portion of the rates and charges so specified, nor extend to any corporation or person any form of contract or agreement or rule or regulation, or any facility or privilege, except such as are regularly and uniformly extended to all corporations and persons; provided, the Commission may, by rule or order, establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each motor vehicle carrier.

(c) No motor vehicle carrier shall, directly or indirectly, issue, give, tender, or honor any free ticket or free pass for passengers between points within the State of Colorado, except as provided by law.

(d) No motor vehicle carrier in sightseeing operations shall give free transportation service from a railroad, bus, or airline depot to a hotel, rooming house, or private residence, or vice versa, when offered in connection with a sightseeing trip or trips; provided, however, that the application of this rule shall not apply to sightseeing operators in the Colorado Springs area if said operators shall, in their tariffs, make provision for and set forth any and all free transportation service which they desire to render from railroad, bus, or air line depots to hotels, rooming houses or private residences, or vice versa, when offered in connection with sightseeing trip, or trips.

RULE 32

Classification of Freight.

All freight transported by any motor vehicle carrier operating in intrastate commerce shall be classified according to the classifications from time to time prescribed by the Commission. No change shall be made in the classification of any commodity without the authority of the Commission first had and received after due notice and hearing, as required by law.

RULE 33

Compilation of Tariffs, Classifications and Time Schedules.

(a) All motor vehicle common carriers shall file with the Commission one copy of a tariff showing all the rates, fares, charges, rules and regulations for transportation, and one copy of a time schedule showing the territory, stations, distances, times of arrival and departure of vehicles, and location of depots.

(b) All passenger and freight tariffs, classifications and schedules must be in book, sheet or pamphlet form (loose leaf plan may be used by major carriers or agents so that changes can be made by re-printing and inserting a single leaf of book tariffs, see item (g) (below), size not more than $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches, of good quality paper, printed or issued by any of the various printing processes or typewritten in clear and legible manner.

(c) Each tariff or time schedule as issued, irrespective of the serial number of carriers, must be given the next Colo. P.U.C. number, except that the carrier's serial number only is required for time schedules.

(Note -- Certain carriers may have several kinds of tariffs in effect at one time covering local or joint operations, bearing different series numbers, such as 1-A or 4-B for identification; thence the Colo. P.U.C. number must be continuous as the various series are issued or reissued. See note Rule 35-(h) and note Rule 36-(h).

(d) All tariffs filed shall bear on the title page the initials Colo. P.U.C., followed by the number, said number to begin with No. One. Each tariff shall be numbered consecutively, beginning with Number One, and in any reference or supplement made in such tariff, reference must be made to the number of the original tariff.

(e) Any change or addition to a tariff must be made by reissuing the tariff or by the issuance of a supplement to the tariff, and such supplements must be numbered consecutively, as "Suppl. No. 1 to Colo. P.U.C. No. 4" or "Suppl. No. 2 to Colo. P.U.C. No. 4, cancelling Suppl. No. 1"; date of issue and date effective.

(f) Not more than one supplement may be in effect at any time to a tariff of less than five pages, and such supplement may consist of not more than three pages. Not more than two supplements may be in effect at any time to a tariff of five or more pages, and such supplement may not contain in excess of 40 per cent of the number of pages contained in the tariff. Supplements issued wherein, through error or omission, a later issue failed to cancel the previous issue, in case of change of ownership or control of a carrier, or

in case of a suspension of a supplement or tariff, such supplement will not be counted in the limit of supplements as provided herein. Supplements to time schedules will not be permitted; any change therein may be made only by re-issue.

(g) All changes in and additions to book tariffs issued in loose leaf form must be made by re-printing both pages of the leaf upon which change is made. Such pages must be designated "First Revised Page _____, cancelling Original Page _____," or, as the case may be, must show the Colo. P.U.C. number of the tariff, serial number of tariff, date of issue, date effective and the name and title of official by whom issued.

(h) The Commission may order the reissuance of a tariff or schedule at any time.

(i) All tariff publications or supplements thereto must indicate advances or reductions thereby made in fares, rates, charges, classifications, rules or regulations by the use of the following uniform symbols:

(A) To indicate advances;

(B) To indicate reductions;

(C) To indicate changes other than advances or reductions.

(j) If the carrier wishes a receipt showing the date when the Commission received any tariff, supplement, or amendment, then each such schedule shall be accompanied by a letter of transmittal in duplicate, in the form of Appendix B to these Rules.

RULE 34

Changes in Tariffs.

Procedure to make changes in Tariffs shall be as set out in the Commission's Rules of Practice and Procedure.

RULE 35

Passenger Tariffs.

(a) Generally, passenger tariffs will be in the form set out as Appendix C hereto. If the party issuing the tariff is acting as agent for others operating under such tariff (power of attorney having been executed authorizing such agent to file tariffs with The Public Utilities Commission),

a full list showing name and address of the parties so operating must be shown in the tariff.

(b) The Rules and Regulations governing the tariff shall be shown in clear and explicit terms, setting forth all privileges, fares for children, stop-overs, limits, baggage rules, excess baggage rates, rates for packages or merchandise when carried on passenger vehicles, objectionable persons, dogs, basis for fares to or from intermediate points not named in tariff, and the basis for refunds on unused portions of tickets.

(c) A separate publication covering rules, regulations, and conditions governing tariffs may, if desired, be issued, filed, and made a part of any tariff, by showing reference in such tariff to the Colo. P.U.C. number of the publication containing the rules and regulations, i. e., "Governed by rules, regulations and conditions shown in this company's issue, bearing Colo. P.U.C. No. _____ on file with The Public Utilities Commission."

(d) All tariffs must show the fares explicitly stated in cents, or dollars and cents, together with the names of the places from and to which they apply arranged in a systematic manner, with the distance from terminal to each point shown thereon. (See sub-section (e) of this Rule).

(e) If desired, carriers may use a distance table for basis of fares, by incorporating in their tariffs an official list of all points to which the distance basis is to apply, and showing in geographical order the distance between such points.

(f) All tariffs must contain a full explanation of reference marks, symbols (See Rule 36 (i)) and abbreviation used in the tariff.

(g) All tariffs must show location of each terminal depot.

(h) The title page of every tariff must show:

(1) Colorado P.U.C. Number in upper right-hand corner, followed by Colo. P.U.C. number cancelled thereby.

(Note: The letters "Colo. P.U.C." indicate Colorado Public Utilities Commission. A separate series of Colo. P.U.C. numbers for passenger and freight tariffs must be used).

- (2) Name of issuing transportation company.
- (3) Whether tariff is local or joint, or both, with carrier's serial number. (Names of participating transportation companies, if joint tariff).
- (4) The territory or points, from which and to which the tariff applies, briefly stated.
- (5) Date of issue; date effective.
- (6) Name, title, and address of official by whom tariff issued.

RULE 36

Freight Tariffs.

(a) Generally, freight tariffs shall be in the form set out as "Appendix D" hereto.

(b) The governing rules and regulations shall be shown in the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates, such as freight storage, store door receipt and delivery, intermediate application of rates, and terminal charges if any.

(c) All tariffs shall contain a complete alphabetical index of all commodities, which index shall refer to the tariff page and item number showing the applicable rates on each commodity.

(d) All rates must be explicitly stated in cents or dollars and cents per pound, per hundred pounds, per ton of two thousand (2,000) pounds, or other units of assessing charges together with names of the places from and to which they apply, arranged in a simple and systematic manner, with the distance from terminal to each point shown thereon.

(e) The title page of every tariff must contain a reference by name and number to the freight classification covering the tariff, in the following form: "Governed, except as otherwise provided herein, by the _____ Classification No. _____, Supplements thereto and Reissues thereof." (A tariff is not governed by a classification or exceptions thereto except when and to the extent stated in the tariff).

(f) In addition to sub-sections (a) through (e) of this rule,

freight tariffs shall also be governed in form and substance by sub-sections "a" (except first sentence), "c", "e", "f", "g," and "h" of Rule 38 governing passenger tariffs.

RULE 37

Time Schedules.

(a) Generally, passenger and freight time schedules shall be in the form set out as Appendices E and F hereto. Time schedules shall contain a list of all stations on operator's route in geographical order, with distances to each point from termini; the time of arrival at and departure from all termini; the time of departure from intermediate points between termini; whether service is daily or otherwise.

(b) Exact location of depot at all terminals.

(c) Such other information, for instance, as any point on route of carrier to which service cannot be rendered, and reasons therefor; rest or lunch stations.

(d) The title page of every time schedule must show:

(1) Name of issuing transportation company.

(2) Time Schedule No. _____, followed by time schedule number cancelled thereby.

(Note: Time schedules must be numbered in consecutive order from No. 1 Colo. P.U.C. numbers will not be necessary for time schedules).

(3) The territory or points from and to which the time schedule applies, briefly stated.

(4) Date of issue; date effective.

RULE 38

Observance of Time Schedules.

(a) All motor vehicle carriers doing business in the State of Colorado shall file in the office of The Public Utilities Commission of the State of Colorado, at Denver, Colorado, a copy of all schedules of the movement of vehicles on their respective routes, and thereafter, when a change is made in any schedule, the same shall be filed promptly with the Commission. This rule,

however, will not apply where there is a curtailment of service or where the time schedule is specified as an express condition contained in the certificate of public convenience and necessity; in such case, the change shall be made on statutory notice in accordance with the Commission's Rules of Practice and Procedure.

(b) Time schedules as filed with the Commission and posted for the information of the public must be adhered to. All interruptions of regular service, where such interruptions are liable to continue for more than twenty-four hours, shall be promptly reported in writing to the Commission and communicated to the public along the route, with a full statement of the cause of such interruption and the probable duration thereof.

RULE 39

Posting of Tariffs and Time Schedules.

A copy of each tariff and time schedule issued shall be open to the inspection of the public at the office of the operator or carrier at all reasonable times, and must also be posted for the information of the public in each waiting room at stations where tickets are sold, and at established freight depots. In the absence of waiting rooms, ticket offices or established freight depots, the driver of each vehicle will be required to carry copies of tariffs and time schedules, same to be submitted to passenger or shipper upon request.

RULE 40

Payment of Rates and Charges of Motor Carriers; Credit Arrangements.

Except as otherwise provided herein, all transportation and other lawful charges shall be payable before surrender of the property to the consignee or owner thereof, or, in the event of prepaid shipments, before the shipment will be forwarded to destination from point of origin.

Where proper and satisfactory credit arrangements have been made to assure payment of the tariff charges within the credit period herein specified, motor vehicle common carriers may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons being called shippers, for a period of seven (7) days excluding Sundays and legal holidays

other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight.

When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

Where a motor vehicle common carrier has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of thirty (30) calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently-presented freight bill.

Freight bills for all transportation charges shall be presented to the shippers within seven (7) calendar days from the first 12 o'clock midnight following delivery of the freight.

Where the United States mails are used as a means for the presentation of freight bills, the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper, may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

* * *

APPENDICES

APPENDIX A (RULE 15)

Form of Emergency Letter on Emergency Equipment.

TO WHOM IT MAY CONCERN:

Under the rules and regulations of The Colorado Public Utilities Commission governing emergency motor vehicle equipment,

(Name of Certificate-Holder) (Address and PUC Number)
is operating the following-described equipment under the above-stated Common Carrier authority:

(Make of Vehicle) (Motor Number) (License Number)

(Owner's Name) (Owner's Address)

(Operator's Name) (Chauffeur's Number)

This emergency equipment is being operated for the purpose of transporting by motor vehicle property or merchandise described as:

and said property or merchandise is being transported from:

(Consignor) (Address)
to:

(Consignee) (Address)

This emergency equipment will be used under the above-stated conditions for the period of:

(Give date or dates)
and for the reason that _____
(Give full particulars why this equipment is being used).
Date _____, 19____.

(Signed) _____
(Certificate-Holder)

APPENDIX B (RULE 33 (j))

Letter of Transmittal of Tariff.

(Name of Carrier)

Advice No.: _____ (Date) _____

To The Public Utilities Commission of the State of Colorado, Denver, Colorado:

Accompanying schedule issued by the _____
(Name of Carrier)

is sent to you for filing in compliance with law.

Colo. P.U.C. No. _____.

Supp. No. _____ to Colo. P.U.C. No. _____.

Effective _____, 19____.

(Signature of officer, with title)

Received by the Commission:

_____, 19____.

Secretary.

APPENDIX C (RULE 35)

PASSENGER TARIFF

(Title Page)

(Page One)

Colo. P.U.C. No. 6

(Size 8½ x 11 Inches)

Cancels Colo. P.U.C. No. 3

WM. SMITH AND JOHN BROWN

Doing Business as

"THE PARADISE VALLEY TRANSPORTATION
COMPANY"

Local and Through Passenger Tariff No. 5

Cancelling Passenger Tariff No. 3

Naming

ONE-WAY AND ROUND-TRIP

PASSENGER FARES

Between

Denver and Fort Collins, Colorado, and Intermediate Points,

Together with Rules and Regulations Governing Same.

Issued September 28, 1951

Effective October 31, 1951

Issued by JOHN BROWN, Manager,
The Paradise Valley Transportation Co.

PASSENGER TARIFF

(Page 2) (Sample Form)
(Size 8½ x 11 Inches)

Rules and Regulations Governing this Tariff

- Rule
- 1 (c) Fares: Fares shown on pages _____ are for adults.
Minimum fare _____ cents.
 - 2 Children's Fares: Children under _____ years in lap will be carried free.
Children _____ to _____ years will be charged one-half of fares shown herein.
Children _____ years or over will be charged full fare.
Minimum fare for children under _____ years _____ cents.
 - 3 Intermediate Points: If auto buses are stopped at points not named herein passengers destined to or starting from such points will be charged _____.
 - 4 Limits: One-way tickets will be limited to continuous passage or _____.
Round-trip tickets will be limited to _____ days from date of sale.
 - 5 Stopovers: Stopovers will not be allowed (or will be allowed at _____).
 - 6 Reservations: If any restrictions, give details such as one hour at least before scheduled leaving time, or reserving right to send passenger on next car, etc.
 - 7 Objectionable Persons: State briefly the right to refuse transportation to persons under influence of intoxicating liquor or drugs, with refunds of fare.
 - 8 Baggage: State baggage allowance and kind allowed, with rates for excess baggage.
 - 9 Dogs: State if allowed or under what conditions allowed.
 - 10 Redemption of Tickets: Give details of refunds.

Add any other rules, such as claims, lost tickets, rates for packages or express.

(c) Change; results in neither advances or reduction.

NOTE: Above samples are shown briefly as an aid to carriers.

Rules may be extended and in more detail to suit carriers' operations.

ONE-WAY FARES

Miles	Between	Denver	Lafayette	Longmont	Loveland	Ft. Collins
00.0	Denver	\$0.00	\$0.75	\$1.45	\$2.20	\$2.50
22.5	Lafayette	0.75	0.00	0.70	1.50	2.00
35.0	Longmont	1.45	0.70	0.00	0.75	1.20
53.0	Loveland	2.20	1.50	0.75	0.00	0.50
67.0	Fort Collins	2.50	2.00	1.20	0.50	0.00

ROUND-TRIP FARES

State the Round-Trip Fares, or the basis to be used in arriving at the round-trip fare.

WEEK-END EXCURSIONS

State the conditions governing, where arrangements for week-end excursions are provided.

COMMUTATION TICKETS

State the conditions governing the sale of cummuration tickets, if any such arrangements are in effect.

Add any other type of fares in use on line with full details thereof.

NOTE: This form is merely an illustration. Carriers desiring to follow this form must show all stations on their route, except where intermediate provisions are made.

APPENDIX D (RULE 36)

FREIGHT LINE TARIFF

(Title Page)
(Size 8½ x 11 Inches)

(Page 1)

Colo. P.U.C. No. 4
Cancels Colo. P.U.C. No. 2

DENVER--BOULDER FREIGHT LINE

Local Freight Tariff No. 2

Cancels Freight Tariff No. 1

Naming

CLASS AND COMMODITY RATES

for

The Transportation of Freight

Between

DENVER AND BOULDER, COLORADO

and

Intermediate Points

Governed except as otherwise provided herein by _____

Classification No. _____, supplements thereto and reissues thereof.

Issued October 20, 1951

Effective November 22, 1951

When tariffs are issued upon less than thirty (30) days' notice upon permission of the Commission, such permission must be shown on title page of tariff, as follows:

"Issued under Special Permission of The Public Utilities
Commission of the State of Colorado No. _____,
dated _____."

Issued by Denver-Boulder Freight Line,

By Geo. Bishop, Manager.

(Sample Form)

(Page 2)

Freight Line Tariff

(Size 8½ x 11 Inches)

Rules and Regulations

Insert here a full set of rules and regulations incident to your individual operation, such as articles shipped loose, liability to delays on connecting line, C.O.D. arrangements, storage, special deliveries, etc., for example:

Rule 1

Storage:

Freight uncalled for at depots after due advice, will be placed in public storage after a period of _____.

Exceptions to Classification

List here exceptions to classification where class rates are provided.

Commodity Rates

List any special commodity rates, for example:

Household
Goods

Full truck loads, Denver to _____
\$_____ per load. Partial truck loads. Fractional
parts will be assessed at \$_____.

Fruits In open boxes, orchard carriers or sacks

Vegetables, _____ to _____.

Fresh \$ _____ per ton or _____.

If less than 25 commodities, arrange in alphabetical order. If more than 25, complete alphabetical index must be shown.

Class Rates in Cents per 100 Pounds.						
Between	and	Ms.	1	2	3	4
Denver, Colo.	Broomfield, Colo.	15	23	19½	16	14R
	Superior, Colo.	24	32	27	22½	19
	Marshall, Colo.	27	38	32	27	23
	Boulder, Colo.	32	47½	40½	33	28½
Broomfield, Colo.	Boulder, Colo.	17	25½	22	18	15½

R - Represents Reduction.

Rates to or from unnamed intermediate points will take rates to or from the next more distant point to or from which rates are named.

Note -- As a helpful suggestion to carriers, the second, third, and fourth-class rates shown in above sample are approximately 85%, 70%, and 55%, respectively, of the first-class rates.

APPENDIX E (RULE 37)

PASSENGER TIME SCHEDULE

(Title Page) (Page 1)
(Size 8½ x 11 Inches)

WM. SMITH AND JOHN BROWN

Doing Business as

"The Paradise Valley Transportation

Company"

TIME SCHEDULE NO. 4

Cancels Schedule No. 3

Showing

Times of Arrival and Departure

from

DENVER, FORT COLLINS

and

Intermediate Points

Issued September 28, 1951

Effective October 31, 1951

Address: 815 Majestic Building,
Denver, Colorado

Issued by
The Paradise Valley Transportation Co.,
By John Brown, Manager

(Sample Form)

(Page 2)

Passenger Time Schedule

(Size 8½ x 11 Inches)

Time Schedule

Southbound Daily

Read Down

	Mls.	No. 2 A. M.	No. 4 A. M.	No. 6 P. M.	* No. 8 P. M.
Fort Collins (Leave)	00.0	7:00	11:15	2:30	4:45
Loveland (Leave)	14.0	7:35	11:50	3:05	5:20
Longmont (Arrive)	32.0	8:10	12:25	3:40	5:55
Longmont (Leave)		8:20	12:35	3:50	6:05
Lafayette (leave)	44.5	8:50	1:05	4:20	6:35
Denver (Arrive)	67.0	9:45	2:00	5:15	7:30

Northbound Daily

Read Up

	Mls.	No. 1 A. M.	No. 3 A. M.	No. 5 P. M.	No. 7 P. M.
Fort Collins (Arrive)	67.0	10:45	1:15	3:45	5:45
Loveland (Arrive)	53.0	10:10	12:40	3:10	5:10
Longmont (Leave)	35.0	9:25	11:55	2:20	4:25
Longmont (Arrive)		9:15	11:45	2:10	4:15
Lafayette (Arrive)	22.5	8:55	11:25	1:50	3:55
Denver (Leave)	00.0	8:00	10:30	12:50	3:00

* - No. 7 and No. 8 Express and Passenger Daily Except Sunday.

Note 1 - Light figures A. M. Dark figures P. M.

Rest Room and Lunch Counter at Longmont.

Depots:

Denver - 1850 California Street.

Longmont - St. Vrain Hotel, 240 Main St.

Ft. Collins - Antlers Hotel, 224 Linden St.

Note 2 - This form is merely an illustration. Carriers desiring to
follow it must show all stations on their route.

APPENDIX F (RULE 37)

(Title Page) (Page One)

FREIGHT LINE TIME SCHEDULE.

(Size $8\frac{1}{2}$ x 11 Inches)

DENVER-BOULDER FREIGHT LINE

Time Schedule No. 2

Cancels No. 1

Times of Arrival and Departure of

Freight Trucks

from

DENVER-BOULDER

and

Intermediate Points

Issued September 28, 1951

Effective October 31, 1951

Address: 1325 Blake Street
Denver, Colorado

Issued by Denver-Boulder Freight Line

By: _____

(Title)

(Sample Form)

(Page 2)

FREIGHT LINE TIME SCHEDULE

(Size $8\frac{1}{2}$ x 11 Inches)

Time Schedule

South Bound Read Down		Miles		Miles		North Bound Read Up
8:00 A. M.	Lve.	00.0	-----Boulder-----	29.6	Arr.	10:45 A. M.
8:30 A. M.		5.4	-----Marshall-----	24.2		10:15 A. M.
8:50 A. M.		9.6	-----Superior-----	20.0		9:55 A. M.
9:30 A. M.		15.6	-----Broomfield-----	14.0		9:15 A. M.
10:45 A. M.	Arr.	29.6	-----Denver-----	00.0	Lve.	8:00 A. M.

Depots:

Denver - 1325 Blake Street.

Broomfield - Jack's Garage.

Boulder - 280 Main Street.

MOTOR VEHICLE CARRIER ACT

Foreword:

The Original "Motor Vehicle Carrier Act" was passed in 1927, as House Bill 430, being Chapter 134, Session Laws of 1927, pp. 499-514. It is printed in the 1935 Colorado Statutes Annotated as Sections 300-326 of Chapter 16, and is labeled Subdivision 1 of Article 4 of Chapter 16. The following compilation is taken from the Annotated Statutes and includes all amendments made by the 1949 Session Laws of the Colorado Legislature.

* * *

ARTICLE 9

Motor Vehicle Carriers

115-9-1. Definitions--(1) The term "corporation" when used in this article means a corporation, company, association or joint stock association.

(2) The term "person" when used in this article means an individual, a firm or a partnership.

(3) The term "commission" when used in this article means the public utilities commission of the state of Colorado or such other official board or body as may succeed to the powers and duties of said public utilities commission.

(4) The term "motor vehicle carrier" when used in this article means and includes every corporation, person, firm, association of persons, lessee, trustee, receiver or trustee appointed by any court whatsoever, owning, controlling, operating or managing any motor vehicle used in serving the public in the business of the transportation of persons or property for compensation as a common carrier over any public highway between fixed points or over established routes, or otherwise, whether such business or transportation is engaged in or transacted by contract, or otherwise.

The fact that any such person carries on his operations:

(a) In whole or in part between substantially fixed points or over established routes;

(b) Under contracts with more than one person or corporation; or

(c) By making repeated or periodical trips, shall be prima facie evidence that such person is a motor vehicle carrier hereunder.

No motor vehicle carrier engaged in interstate commerce shall hereafter operate any motor vehicle within this state for the transportation of either persons or property, or both, without first having obtained from the commission a permit therefor; but it shall not be necessary for such motor vehicle carrier to prove public convenience and necessity as a condition of obtaining such permit.

(5) The term "motor vehicle" when used in this article means any automobile, truck, motor bus or any other self-propelled vehicle or any trailer drawn thereby, excluding vehicles operated upon fixed rails.

(6) The term "public highway" when used in this article means every road or highway over which the public generally has a right to travel.

(7) The words "fixed points" and "established route" when used in this article mean points or route between or over which any motor vehicle carrier usually or ordinarily operates or holds out to operate any motor vehicle, even though there may be departures from such points or route, whether such departure be periodic or irregular.

115-9-2.--Subject to control by commission.--All motor vehicle carriers as defined in this article are hereby declared to be public utilities within the meaning of articles 1 to 7 of this chapter, and are hereby declared to be affected with a public interest and subject to this article and to the laws of this state, including the regulation of all rates and charges, now in force or that hereafter may be enacted, pertaining to public utilities, so far as applicable, and not in conflict therewith.

115-9-3. Compliance.--No motor vehicle carrier as defined in this article shall operate any motor vehicle for the transportation of either persons or property for compensation on any public highway in this state except in accordance with the provisions of this article.

115-9-4.--Certificate Required.--No motor vehicle carrier, as defined in Section 300 (d) of this chapter, shall hereafter operate any motor vehicle for the transportation of either persons or property, or both, upon the public highways of this state, without first having obtained from the commission a certificate declaring that the present or future public convenience and necessity

requires or will require such operation. This provision shall not apply to hearses or ambulances, nor to motor vehicles especially constructed for purposes of repairing and towing wrecked vehicles and not otherwise used for transporting property.

The commission may, at its discretion, issue a temporary certificate declaring that the present or future public convenience and necessity requires, or will require, the temporary or seasonal operation of a motor vehicle for the purpose of transporting unprocessed agricultural produce to market or place of storage during a period to be determined by the commission, but such period shall not be longer than ninety consecutive days in any one calendar year.

115-9-5. Rules for issuance.--The commission shall have power under such rules of procedure governing the application therefor as it may prescribe, to issue a certificate of public convenience and necessity to a motor vehicle carrier or to issue it for the partial exercise only of the privilege sought; and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

115-9-6. Transfer of certificate.--Any certificate of public convenience and necessity, or rights obtained under any such certificate held, owned or obtained by any motor vehicle carrier, may be sold, assigned, leased, encumbered or transferred as other property, only upon authorization by the commission.

115-9-7, 115-9-8, 115-9-9, and 115-9-10 - Repealed.

115-9-11. Powers of commission.--The commission is hereby empowered to administer and enforce any and all provisions of this article including the right to inspect the books and documents of the motor vehicle carriers and operators involved.

115-9-12, 115-9-13, 115-9-14, and 115-9-15 - Repealed.

115-9-16. Distribution of funds.--All moneys received under the provisions of this article shall be distributed as follows:

(1) For the administration and enforcement of the provisions of this article, ten per cent or so much thereof as may be necessary shall be credited to the public utilities commission special fund.

(2) The balance shall be placed by the treasurer in the highway users tax fund and distributed in accordance with the statute governing that fund.

115-9-17. Penalty for violations.--Any person, firm, association, or corporation who shall use any public highway in this state for the transportation of passengers or property as a motor vehicle carrier as defined in this article, without first obtaining a certificate of public convenience and necessity as provided for, or in violation of any of the terms thereof, or who fails and neglects or refuses to make any return or any report required by the commission, or who denies to the commission access to his or its books and records, or who makes any false return, shall be guilty of a misdemeanor and shall be punishable by a fine as provided in section 115-9-22.

115-9-18. Filing and issuance of certificates.--The commission shall charge all motor vehicle carriers as defined in this article, in addition to the license fees provided, the following fees: filing fee for application for certificate of public convenience and necessity to operate in intrastate commerce, thirty-five dollars; filing fee for application for certificate to operate in interstate commerce only, fifteen dollars; filing fee for transfer of a certificate of public convenience and necessity, in intrastate commerce, fifteen dollars; filing fee for transfer of a certificate in interstate commerce, five dollars; and the commission shall charge a fee of five dollars for issuing a certificate of public convenience and necessity, either covering interstate commerce or intrastate commerce. All fees charged under this section shall be paid into the treasury of the state to the credit of the general fund of the state.

115-9-19. To file liability insurance policy.--Every motor vehicle carrier as defined in this article shall file with the commission a liability insurance policy issued by some insurance carrier or insurer, authorized to do business in the state of Colorado, or a surety bond issued by some company authorized to do a surety business in the state of Colorado, in such sum, for such protection and in such form as the commission, by its rules and regulations, may deem necessary to adequately safeguard the public interest.

115-9-20. To make safety rules.--The Commission shall supervise and regulate all motor vehicle carriers and shall promulgate such safety rules or regulations as it may deem wise or necessary to govern and control the operation of motor vehicles by them, and shall enforce the same as provided in this article.

115-9-21. Commission may revoke certificate.--The commission, at any time, by order duly entered, after hearing had upon notice to the holder of any certificate of public convenience and necessity hereunder, and when it shall be established to the satisfaction of the commission that such holder has violated any of the provisions of this article, or violated or refused to observe any of the proper orders, rules or regulations of the commission, may suspend, revoke, alter or amend any such certificate issued under the provisions of this article, provided that the holder of such certificate shall have all the rights of hearing, review and appeal as to such order or ruling of the commission as are now provided by articles 1 to 7 of this chapter. No appeal from or review of any order or ruling of the commission shall be construed to supersede or suspend such order or rulings unless upon order of the proper court obtained therefor.

115-9-22. Penalty for violations by employees.--Every motor vehicle carrier, and every officer, agent or employee of any motor vehicle carrier, and every other person or corporation who violates or fails to comply with or who procures, aids or abets in the violating of any provisions of this article, or who fails to obey, observe or comply with any order, decision, rule or regulation of the commission, or who procures, aids or abets any corporation or person in its or his failure to obey or observe such order, decision rule or regulation shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars or by imprisonment in the county jail for not less than ten days nor more than six months, or both, in the discretion of the court. The inspectors of the commission shall have all the powers conferred by law upon peace officers to carry weapons, make arrests, serve warrants and other process and conduct sales in any county or city and county of this state.

115-9-23. Jurisdiction.--The district court, or within its jurisdic-

tion the county court or a justice of the peace court of any county in or through which any motor vehicle carrier operates, shall have jurisdiction in all matters arising under this article on account of the operation of such motor vehicle carrier, regardless of the place of residence of such motor vehicle carrier or the place of service of process upon such motor vehicle carrier.

115-9-24. Commission to notify local authorities--procedure.--Whenever the commission shall be of the opinion that any motor vehicle carrier is failing or omitting to do anything required of it by law, or by any order, decision, rule, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done, contrary to or in violation of the law or of any order, decision, rule, direction or requirement of the commission, it shall request the attorney of the commission or the attorney general of the state or the district attorney of any district to commence an action or proceeding in the district or county court in and for the county or city and county in which the cause or some part thereof arose, or in which the corporation or person complained of has its principal place of business, or in which the person complained of resides, in the name of the people of the state of Colorado for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction.

The attorney of the commission or the attorney general of the state or the district attorney of any district so requested shall thereupon begin such action by petition to the district or county alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of a copy of the petition, within which the motor vehicle carrier complained of must answer the petition, and in the meantime the said motor vehicle carrier may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case, and such corporations or persons as the court may deem necessary or proper to be enjoined as parties in order to make its judgment, order or writ effective may be joined as parties.

The final judgment in any such action shall either dismiss the action or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief.

A writ of error may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this article, as writs of error are taken from judgments of the district court in other actions for mandamus or injunction.

Any person or corporation injured by such noncompliance of any motor vehicle carrier with the provisions of this article or of any other provisions of the law or orders, decisions, rules, directions or requirements of the commission, may apply to any court of competent jurisdiction for the enforcement thereof, and the court shall have jurisdiction to enforce obedience thereto by writ of injunction or other proper process, mandatory or otherwise, and to restrain any such motor vehicle carrier, its officers, agents, employees or representatives from further disobedience thereof, or to enjoin upon it or them obedience to the same, and any person or corporation so injured shall likewise have cause of action in damages, and be privileged to pursue the usual and proper remedies to redress the same as in like cases provided by law.

115-9-25. Transportation of farm produce and school children.-- Nothing in this article shall be construed as prohibiting the intermittent transportation of farm products to market or supplies to the farm by any person chiefly engaged in farming, or to the transportation of children to and from school.

115-9-26. Must file rates with commission.--It shall be unlawful for any motor vehicle carrier to carry or advertise that it will carry any goods or persons at rates other or different than those it shall have on file with the commission for such carriage.

115-9-27. Advertising statements--insurance--penalty.--No motor vehicle carrier shall insert any advertisement in any newspaper or other publication of general circulation, or circulate any written or printed matter, or display any signs, advertising his motor carrier business, unless the advertisement, written or printed matter, or signs, shall distinctly state in a

conspicuous manner whether or not passengers or property carried by the said motor vehicle carrier are insured by him under public liability policies of insurance; and no motor vehicle carrier shall use the words "bonded and insured" or words of similar import, in the conduct of his advertising unless he shall carry public liability insurance. In all such advertisements, written or printed matter, or signs, the carrier shall distinctly state the kind of equipment used by the carrier in the transportation of passengers or property; and in the case of motor vehicle passenger carriers, whether the carrier operates parlor car buses or touring cars or sedans. No motor vehicle carrier shall advertise parlor car buses or sedan type buses or touring cars or sedans unless the motor carrier has sufficient of the named type of equipment to provide transportation for his passengers in the type of equipment so advertised; and no motor vehicle carrier shall advertise in any newspaper, publication, sign or otherwise, any statement that would mislead the public as to schedules, insurance, or type of equipment to be used.

Every motor vehicle carrier and every officer, agent or employee of any motor vehicle carrier who violates or fails to comply with the provisions of this section, or who falsely states in said advertisements, written or printed matter or signs that passengers or property are insured under policies of public liability insurance, or falsely states the kind of equipment in which passengers are to be transported, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five hundred dollars or more than one thousand dollars or be imprisoned in the county jail for not more than ninety days or by both such fine and imprisonment in the discretion of the court. .

115-9-28. Appropriations.--If and when the general assembly, in the general appropriation bill or otherwise, shall make an appropriation for the payment of the expenses of the administration and enforcement of this article then, and in this event, all such expenses shall be paid out of the moneys so appropriated, and not otherwise; and no part of any moneys collected shall be set aside or used for any of such expenses for or during any period for which any such appropriation shall have been made.

115-9-29. Public utilities law applies.--All provisions of articles 1 to 7 of this chapter, and all acts amendatory thereof or supplemental thereto, shall, in so far as applicable, apply to all motor vehicle carriers subject to the provisions of this article.

* * *

HOW TO KEEP
YOUR CERTIFICATE
IN GOOD STANDING

1. Keep insurance certificate effective at all times on all equipment operated.

2. Paint certificate number plainly on your trucks in contrasting colors with your name and address underneath, in arrangement and size as follows:

"Colo. P. U. C. No. _____

(Name and Address)

(Letters must be not less than 2 1/2" in height).

3. Don't operate outside your territory, or haul unauthorized merchandise.

4. Remit C. O. D. funds promptly.

5. Keep tariffs on file and make no other and different charges.

6. Be sure to keep Identification Cards (Cab Cards) and Authority Sheets in all vehicles at all times.

7. Keep your equipment list up to date.