

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRANK W. HOEPNER. )CASE NO. 1003September 16, 1932.S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

May, June and July, 1932.

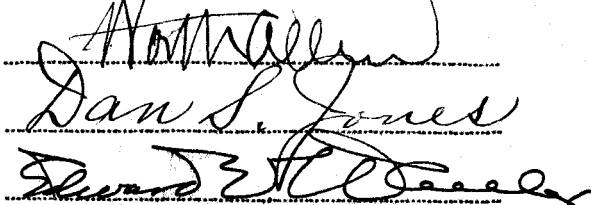
The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 10, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Dan S. Jones  
Edward E. O'Connor

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ED S. ARMENTROUT. )

CASE NO. 1004

September 16, 1932

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

June and July, 1932.

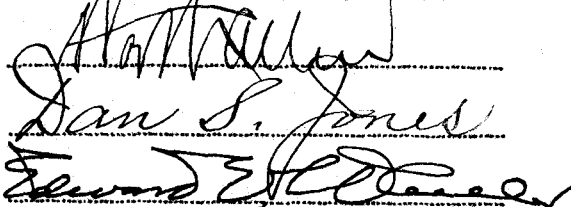
The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 11, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Dan S. Jones  
Edward E. O'Connell

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN T. SCHMITT, DOING BUSINESS )  
AS THE SCHMITT-ARVADA TRANSFER. )  
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CASE NO. 1005

-----  
September 16, 1932.  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorising him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 A. M., on October 11, 1932,

at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Walter Allen

Dan S. Jones

Edward E. Deane  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of September, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
H. C. BUKEY. ) CASE NO. 1006

September 16, 1932

STATEMENT

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation Tax Unpaid

Month	Tax	Penalty	Total
1932 June	.21		\$0.21

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bone as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 11, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ant. Weller*  
*Dan S. Jones*  
*Edward E. O'Connor*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ART W. QUINLAN, D. B. A. )  
ALL WESTERN TRANSPORTATION CO. )CASE NO. 1007- September 16, 1932 -S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

August, 1932.

Highway Compensation tax unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	June	\$5.01	.05	\$5.06
	July	6.46		<u>6.46</u>
				\$ 9.52

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 11, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Harry Allen*  
*Dan S. Jones*  
*Edward H. Deane*

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
 )  
 SAN ISABEL TRANSPORTATION CO. ) CASE NO. 1008

-- September 16, 1932.S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing **its** operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

July and August, 1932.

Respondent has failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and also has failed to file an insurance policy or surety bond as required by law, and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any it have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 11, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*W. M. Allen*  
*San of Jones*  
*James E. [unclear]*  
 Commissioners.

Dated at Denver, Colorado,  
 this 16th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. R. BENDER. )

CASE NO. 1009

September 16, 1932.S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

August, 1932

Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	June	\$1.60	.02	\$ 1.62

Respondent has failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and also has failed to file an insurance policy or surety bond as required by law, and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 11, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners.

Dated at Denver, Colorado,  
this 16th day of September 1932

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

WALTER ADAMS. )

CASE NO. 1010

\_ September 16, 1932. \_

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not receivedAugust, 1932. *Failed*Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	July	\$ 2.57	--	\$ 2.57

Respondent has failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and also has failed to file an insurance policy or surety bond as required by law, and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 13, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners.

Dated at Denver, Colorado,  
this 16th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
 BEN F. and JESSE A. SCOTT, ) CASE NO. 1011  
 D/B/A SCOTT BROTHERS. )

- September 16, 1932. -

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents authorizing their operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	July	\$ 1.31	--	\$ 1.31

Respondents have failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and also has failed to file an insurance policy or surety bond as required by law, and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 13, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
 Commissioners.

Dated at Denver, Colorado,  
 this 16th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED MATZ. )

CASE NO. 1012

- September 16, 1932 -

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	July	\$ 7.79	- -	\$ 7.79

Respondent has failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and also has failed to file an insurance policy or surety bond as required by law, and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 13, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners.

Dated at Denver, Colorado,  
this 16th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GIO OBERTO, D.B.A. PLACERVILLE- )  
PARADOX STAGE. )CASE NO. 1015.-- September 17, 1932S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Highway compensation tax unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	July	\$14.38		\$14.38

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 13, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
 Commissioners.



MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS )  
OF LUIE AMMERMAN. )  
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CASE NO. 960.

-----  
September 17, 1932  
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S T A T E M E N T

By the Commission:

An order was made on August 13, 1932, by the Commission in Case No. 960, finding that the respondent, Luie Ammerman, was then operating as a common or motor vehicle carrier as defined by Chapter 134, Session Laws of Colorado, 1927, as amended. Said order was in no manner stayed or vacated and is now in full force and effect.

Information has come to the Commission that the respondent, Luie Ammerman, is still engaged in transporting freight to practically the same extent as he was found to be engaged <sup>in</sup> /on August 13, 1932, and that he is now operating as a common or motor vehicle carrier.

After careful consideration of the matter, the Commission is of the opinion, and so finds, that it should, on its own motion, require said respondent, Luie Ammerman, to show cause why his private motor vehicle permit No. A571, should not be revoked for (1) his failure and refusal to comply with the order made by the Commission in said Case No. 960, requiring him to cease and desist from operating as a motor vehicle carrier, and (2) for operating as a motor vehicle carrier without a certificate of public convenience and necessity therefor, in excess of the authority granted, and contrary to law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondent is violating the said order of the Commission made on August 13, 1932, in Case No. 960, and to determine whether or not respondent is now operating as a motor vehicle carrier in violation of law and in excess of the authority of a permit to operate as a private carrier heretofore granted to him.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order revoking said private motor vehicle permit No. A-371, because of his refusal to comply with and abide by the said order of August 13, 1932, and because he is operating unlawfully as a motor vehicle carrier as defined by Chapter 134, Session Laws of Colorado, 1927, as amended, and because of his having exceeded the authority granted by said permit No. A-371.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission, in the Court House in Grand Junction, Colorado, at 9:30 o'clock A. M., on October 21, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*

*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE DENVER AND RIO GRANDE )  
WESTERN RAILROAD COMPANY FOR )  
AUTHORITY TO CURTAIL RAILROAD )  
SERVICE BETWEEN TEXAS CREEK AND )  
WESTCLIFFE, COLORADO. )  
-----

APPLICATION NO. 1786

-----  
September 17, 1932  
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S T A T E M E N T

By the Commission:

On May 20, 1931, the Commission made an order authorizing The Denver and Rio Grande Western Railroad Company to make certain changes in service on its Westcliffe Branch, which takes off the main line at Texas Creek.

In said order the applicant was required to render daily except Sunday mixed train service from July 15 to October 1 of each year, with certain variations depending on facts therein stated.

The Commission is now in receipt of a letter from R. K. Bradford, Superintendent of Transportation of applicant, in which it is stated:

"We have had a conference with all shippers on the Westcliffe Branch and they have agreed with us that effective September 19th, we may discontinue daily except Sunday mixed train service, and that we operate two trains a week between Texas Creek and Westcliffe, on Tuesdays and Fridays.

"We will maintain the agency at Westcliffe for the time being, in view of the mutual understanding we had with parties at Westcliffe."

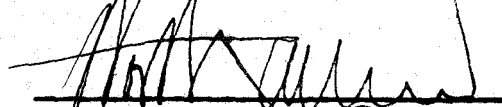
In view of the said statement, the Commission is of the opinion, and so finds, that authority should be granted to the applicant, effective September 19, 1932, to substitute daily except Sunday bus and truck service and semi-weekly train service to be rendered on Tuesdays and Fridays in lieu of the daily except Sunday mixed train service, on its Westcliffe Branch, subject to the condition hereinafter stated.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Denver and Rio Grande Western Railroad Company, effective September 19, 1932, to substitute daily except Sunday bus and truck service and semi-weekly train service to be rendered on Tuesdays and Fridays in lieu of the daily except Sunday mixed train service, on its Westcliffe Branch.

IT IS FURTHER ORDERED, in view of the informality of this proceeding, that jurisdiction be, and the same is hereby, retained over this matter to the end that the Commission may, if it sees fit so to do, cancel and set aside this order immediately upon objection being made thereto.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Daniel S. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

THE DENVER SEWER PIPE AND CLAY COMPANY,

Complainant,

vs.

THE COLORADO AND SOUTHERN RAILWAY COMPANY,  
CHICAGO, BURLINGTON & QUINCY RAILROAD  
COMPANY, THE GREAT WESTERN RAILWAY COMPANY  
AND UNION PACIFIC RAILROAD COMPANY,

Defendants.

CASE NO. 521

September 17, 1932

STATEMENT OF THE COMMISSION  
ON PETITION FOR RECONSIDERATION

By the Commission:

In its decision No. 4023, the Commission found that the rates assailed were not unjust or unreasonable and dismissed the complaint.

Thereafter complainant filed a petition for reconsideration of the case and that such further order or orders be entered in the premises as to it may seem reasonable and just.

In Application No. 814, Decision No. 4276, dated May 7, 1932, the Commission authorized the publication, on or before June 1, 1932, upon ten days notice, the same scale of rates, rules, regulations and practices applicable to freight moving under class rates in that portion of Colorado lying between and east of the Colorado common points on intrastate traffic, which were prescribed by the Interstate Commerce Commission in Docket 17000, Part 2, (Western Trunk Line Class Rates) for application between points situated in Zone III territory. On May 20, 1932, another order was entered advancing the effective date to June 20, 1932.

The establishment of the rates under Decision 4276 (hereinafter referred to as 17,000 rates) had the effect of abolishing the group or blanket adjustment heretofore existing and placing the rates on a mileage basis, the lower classes being on a fixed percentage of the first class rate, viz: First class 100%; second, 85%; third, 70%; fourth, 55%; fifth, 37.5%; classes A, 45%; B, 32.5%; C, 30%; D, 22.5% and E, 17.5%.

The result of this adjustment was that both advances and reductions were created, but to the points involved in this proceeding the class "E" rates were practically all reduced to approximately the level contended for by the complainant, thereby eliminating the complaint as to rates for the future.

The only question left for reconsideration is the reasonableness or unreasonableness of the rates in the past and reparation.

As stated in our previous opinion the class rate structure from Denver to northern and northeastern Colorado bore no semblance of a fixed relation to the first class rates on the lower classes. It was established about twenty-five years ago, and the main purpose of the adjustment was to permit Denver jobbers and manufacturers to compete with jobbers located at Missouri River cities. No complaint (with the exception of this one) has ever been made during the existence of same.

In its petition for reconsideration complainant points out that its reason for not attacking the classification rating was on account of the fact that the Interstate Commerce Commission in a number of its decisions had prescribed rates on sewer pipe on a basis of  $17\frac{1}{2}\%$  of the first class rate which is the same percentage as class "E" where the lower class rates are established on a fixed percentage of the first class rate.

In considering the prevailing class "E" rates in effect at the time shipments moved it must be borne in mind that these rates were not on any fixed percentage of the first class rates and in considering the reasonableness of such rates the entire adjustment must of necessity be given due consideration.

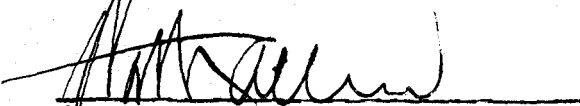

Complainant further contends that the Commission has given consideration only to the establishment of reasonable class "E" rates and not to its request for reasonable commodity rates. There is nothing in the record which would warrant the Commission in considering any basis other than that of the class "E". Especially is this true when the testimony in the record is undisputed as to the class "E" being the proper rating for the commodity.

In an adjustment of rates which have been established over a long period of time, without complaint or attack, such as in the instant case, it is presumptively a reasonable adjustment, and the record in the instant case does not convince the Commission that its previous decision was in error.

O R D E R

IT IS THEREFORE ORDERED, That the petition for reconsideration be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
David S. Jones  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EDWARD J. HAYDEN. ) CASE NO. 1014

September 19, 1932.S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

May, June, July and August, 1932.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	April	\$6.60	.30	\$6.90

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 5, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward J. O'Connell

Commissioners.



Form No. 6.

(Decision No. 4575 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES G. BUNTING. )

CASE NO. 1015

September 19, 1932

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 13, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Form No. 6.

(Decision No. 4576. )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN W. WALKER, D.B.A. )  
WALKER TRANSFER LINE. )

CASE NO. 1016.

- September 19, 1952.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 15, 1952, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
DANIEL JONES  
*[Signature]*  
Commissioners.

Form No. 6.

(Decision No. 4577. )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
M. F. AND J. C. THOMAS, D.B.A. )  
THOMAS AND SON TRANSFER LINE. )

CASE NO. 1017.

September 19, 1952.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents ~~were~~ heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing ~~them~~ to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondents ~~have~~ failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents ~~have~~ failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether ~~their~~ certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 14, 1952, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RALPH SANDERS. )CASE NO. 1018.September 20, 1932S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	July	\$1.50		\$1.50

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 14, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
 Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ERNEST E. MARTIN. )

CASE NO. 1019

September 20, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 14, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. J. GENTRY AND J. E. FENTRESS, ) CASE NO. 1020  
CO-PARTNERS, DOING BUSINESS AS )  
THE LOVELAND AND PRODUCE COMPANY. )  
-----

*Transfer*

-----  
September 20, 1932.  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing them to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

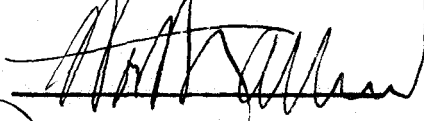
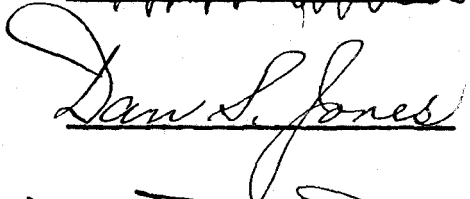

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether their certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room,

330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M.,  
on October 14, 1932, at which time and place such evidence as is proper  
may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
E. W. TERRILL, DOING BUSINESS AS )  
E. W. TERRILL TRANSFER AND )  
STORAGE COMPANY. )

CASE NO. 1021

September 20, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 14, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
Dan S. Jones  
*[Signature]*

Commissioners.



Form No. 6.

(Decision No. 4582. )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE McEWEN. )

CASE NO. 1022

September 20, 1952

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 14, 1952, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES J. LENT AND N. P. PETERSON, )  
DOING BUSINESS AS COLORADO-UTAH )  
MOTOR WAY, INC. )  
-----

CASE NO. 1023.

-----  
September 20, 1932  
-----

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing them to engage in the business of a common carrier by motor vehicle.

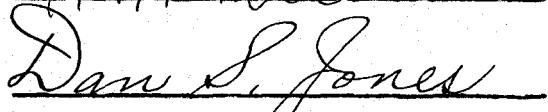
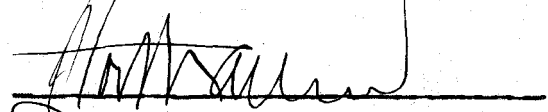
Information has come to the Commission, that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

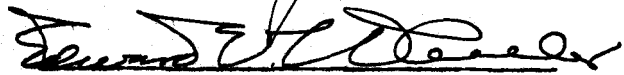
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether their certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 15, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

Form No. 6.

(Decision No. 4584 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ARTHUR F. WOODS. )

CASE NO. 1024

September 20, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 380 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 15, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES W. HEWES. )

CASE NO. 1025

September 20, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 15, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Don S. Jones  
Edward E. Deane  
Commissioners.

Form No. 6.

(Decision No. 4586 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEWIS J. PETERSON. )

CASE NO. 1026

September 20, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 15, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Don S. Jones  
Edward V. [Signature]  
Commissioners.

Form No. 6.

(Decision No. 4587 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DAVID J. BUCHANAN, DOING BUSINESS )  
AS SOUTH DENVER MOVING AND )  
STORAGE COMPANY. )

CASE NO. 1027

September 20, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 15, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLAUDE R. MCKENNEY. )

CASE NO. 1028

September 20, 1932

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 15, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES I. KNOX AND HOWARD R. ) CASE NO. 1029  
KNOX, DOING BUSINESS AS KNOX )  
AND SON. )  
-----

-----  
September 20, 1932.  
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S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents authorizing their operation as a motor vehicle carrier.

The records of the Commission further disclose that said respondents have failed to pay highway compensation taxes as follows, to-wit:

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1931	September	\$1.27	.19	\$1.46
	November	.95	.11	1.06
		<u>\$2.22</u>	<u>.30</u>	<u>\$2.52</u>

The records of the Commission also disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

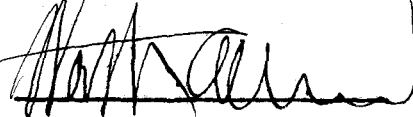
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy as required by law and the Rules and Regulations of the Commission.

IT IS FURTHER ORDERED, That said respondents show cause, if

any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 A. M., on October 17, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dan S. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
A. L. LEVY, DOING BUSINESS AS ) CASE NO. 1050.  
LEVY'S TRANSFER & STORAGE CO. )

-- September 20, 1932 --

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

August, 1932.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1931	May	\$ .10		\$ .10
1931	June	3.00	\$ .59	3.59
1932	May	.10		.10
1932	June	3.00	.05	3.05
1932	July	1.89		<u>1.89</u>
				\$8.73

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 17, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten signatures]*  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TRIANGLE TRUCK SERVICE COMPANY, ) CASE NO. 1031  
INC., A CORPORATION. )  
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-----  
September 20, 1932.  
-----

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing its operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August, 1932.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	June	Bal. \$ 3.25		\$3.25
	July	169.44		169.44
		<u>\$172.69</u>		<u>\$172.69</u>

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

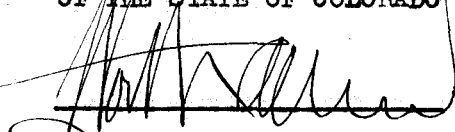
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any it have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 A. M., on October 17, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dan S. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF )  
OTTO BAIRD. )

CASE NO. 1032

September 20, 1932

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

July and August, 1932.

Highway compensation tax unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	June	\$1.69	\$ .03	\$1.72

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 17, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
 J. F. ENRIGHT, DOING BUSINESS ) CASE NO. 1033.  
 AS ENRIGHT SCENIC TOURS. )

September 20, 1932.S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports No Received

August, 1932.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	June	\$1.49	.02	\$1.51
	July	8.11		8.11
		<u>\$9.60</u>	<u>.02</u>	<u>\$9.62</u>

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 17, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
 Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF GRADE SCHOOL DISTRICT NO. 4, )  
LINCOLN COUNTY, COLORADO, FOR OPEN- )  
ING OF A GRADE CROSSING OVER THE )  
TRACKS OF THE CHICAGO, ROCK ISLAND )  
AND PACIFIC RAILWAY COMPANY AT A )  
POINT  $4\frac{1}{2}$  TELEGRAPH POLES WEST OF )  
MILE POST 527. )

APPLICATION NO. 2041

-----  
September 20, 1932  
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S T A T E M E N T

By the Commission:

On July 13, 1932, the Board of School Directors of District No. 4, Lincoln County, Colorado, by its secretary, filed an application with the Commission for a grade crossing over the main line track of The Chicago, Rock Island and Pacific Railway Company at a point designated as  $4\frac{1}{2}$  telegraph poles west of Mile Post 527 of said railroad, alleging that said crossing would eliminate the expense of many transportation miles for the school bus of aforesaid school district and provide better conveniences for the patrons of said school.

A copy of the application was duly served on The Chicago, Rock Island and Pacific Railway Company, the respondent, and it developed that the Commission had denied an application for a crossing at this place several years ago because of its dangers, being at the end of a very deep railroad cut with other dangerous conditions.

On September 13, 1932, the Commission received a letter from the attorney for the railroad company advising that the Company's officials had a conference with the Board of Directors of this school district regarding said crossing and that the Board had decided to withdraw their application for the crossing. This action was confirmed by a letter from the Secretary of the Board addressed to the roadmaster of the railroad company, under date of August 16, 1932, copy of which was transmitted to the Commission.

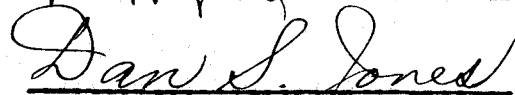
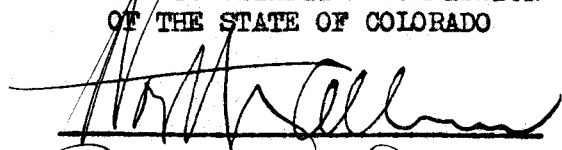


THEREFORE, in compliance with the expressed desire of the Board of Directors of School District No. 4, Lincoln County, Colorado, the Commission will dismiss the application.

O R D E R

IT IS THEREFORE ORDERED, That the application of the Board of Directors of School District No. 4, Lincoln County, Colorado, for a public grade crossing over the main line track of The Chicago, Rock Island and Pacific Railway Company at a point  $4\frac{1}{2}$  telegraph poles west of Mile Post 527 of said railroad be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. W. WARRICK. )  
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PERMIT NO. A-382

-----  
September 20, 1932.  
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S T A T E M E N T

By the Commission:

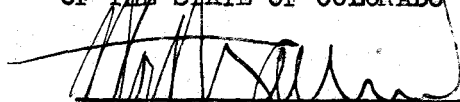
The Commission is in receipt of a communication dated September 14, 1932, from the above named permittee, requesting that private permit No. A-382, heretofore issued to C. W. Warrick, be cancelled.

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

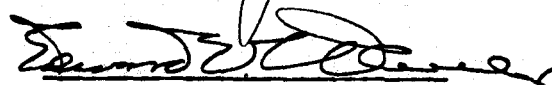
O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-382, heretofore issued to C. W. Warrick, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Daniel S. Jones



Commissioners.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TIM EVENSON. )  
----- )

PERMIT NO. A-375

-----  
September 20, 1932.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter dated September 15, 1932, from the above named respondent, requesting that private permit No. A-375, heretofore issued to said Tim Evenson, be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-375, heretofore issued to Tim Evenson, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 20th day of September, 1932.

Samuel J. Jones  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF R. W. McDANIEL, DOING BUSINESS AS  
MIDLAND TRANSIT LINES, FOR AN INTER-  
STATE MOTOR VEHICLE PERMIT.

APPLICATION NO. 1984

September 20, 1932

Appearances: R. W. McDaniel, Denver, Colorado, pro se;  
D. Edgar Wilson, Esq., Denver, Colorado,  
attorney for Chicago, Rock Island and  
Pacific Railway Company;  
S. S. Heilman, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

This is an application by R. W. McDaniel, doing business as Midland Transit Lines, for an interstate motor vehicle permit authorizing the transportation of passengers, light express and baggage in interstate commerce only between Denver and the Colorado-Kansas state line at a point where U. S. Highway No. 40 North crosses the same.

The application is so drawn as to permit stopovers at various Colorado points and the making of refunds where passengers get off the bus before reaching the destination to which tickets are bought. Therefore, the attorney for The Chicago, Rock Island and Pacific Railway Company requested that conditions be imposed to prevent applicant from doing what would be equivalent to intrastate business thru the use of these privileges. The applicant agreed that we might insert in the permit to be issued a condition against the making of any stopovers between the Colorado-Kansas state line and Denver, and against the making of any refunds in those cases in which the passengers board the vehicles of the applicant in Colorado and get off the same within the State.

The protestant, Heilman, brought out that he had a collision with an automobile used by the applicant in the service in question and that at

the time of the accident the brakes of the automobile in question were not in proper condition. He contended, moreover, that the financial condition of the applicant is such as not to warrant the issuing of the permit. The applicant testified that he keeps his brakes in good condition but that on the particular day in question, due to the driving in the rain, the brakes had become somewhat loose. He stated that the matter of his responsibility is involved in a case pending in court.

We cannot see that the evidence with respect to the equipment of applicant is such as to warrant our denying the permit in the face of the commerce clause of the Federal Constitution.

As to the financial condition of the applicant, we may say that while it is not particularly strong the evidence indicates that he will probably be able in the future, as he has been since April 1 of this year, to pay all highway compensation taxes and to carry the insurance required by law and the rules and regulations of the Commission.

The lack of financial responsibility found and referred to by the Oklahoma Commission to-wit: in Roadway Express Company, Inc., vs. Murray, et al, recently decided by the United States District Court of Oklahoma, Western District, was such as to lead the Oklahoma Commission to believe that the applicant for an interstate permit would not be able to pay the taxes, carry the necessary insurance, etc., as required by the laws of the State of Oklahoma.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the laws of the State of Colorado and the Constitution of the United States require the issuance to the applicant, R. W. McDaniel, doing business as Midland Transit Lines, of an interstate motor vehicle permit for the transportation of passengers, light express and baggage in interstate commerce only, between Denver and the Colorado-Kansas state line at a point where U. S. Highway No. 40 North crosses the same, subject to the conditions hereinafter imposed with the consent of the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the laws of the State of Colorado and the Constitution of the United States require the issuance to the applicant, R. W. McDaniel, doing business as Midland Transit Lines, of an interstate motor vehicle permit for the transportation of passengers, light express and baggage in interstate commerce only, between Denver and the Colorado-Kansas state line at a point where U. S. Highway No. 40 North crosses the same, subject to the conditions hereinafter imposed with the consent of the applicant, and this order shall be taken, deemed and held to be an interstate permit therefor.

IT IS FURTHER ORDERED, That the permit herein granted is subject to the condition that no stopovers shall be permitted to passengers at any point between Denver and the Colorado-Kansas state line.

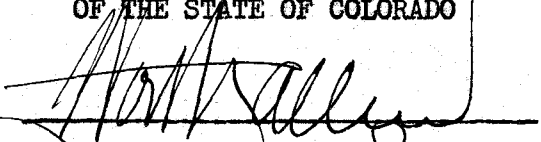
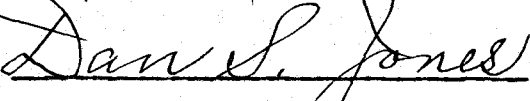
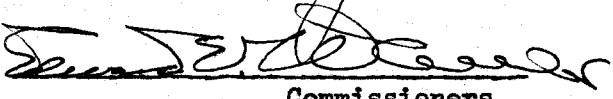
IT IS FURTHER ORDERED, That the permit herein granted is subject to the condition that in those cases in which passengers, having boarded the equipment of the applicant at a point in Colorado and get off of said equipment at any point in said State, no refund shall be granted them on tickets purchased.

IT IS FURTHER ORDERED, That applicant shall give prompt attention to the filing of monthly highway compensation reports and to the payment of highway compensation taxes and to the marking of vehicles, as set forth in Rules 24, 26 and 51, respectively, of the Rules and Regulations Governing Motor Vehicle Carriers.

IT IS FURTHER ORDERED, That no operation shall be carried on under this permit at any time when public liability and property damage insurance is not in effect and the policy or policies of insurance are

not on file with this Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF L. E. DICKS AND D. P. ADAMS )  
FOR PARTIAL TRANSFER OF CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
NO. 114 ISSUED TO L. E. DICKS FOR A )  
SIGHTSEEING OPERATION IN THE PIKES )  
PEAK REGION. )  
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APPLICATION NO. 599-A

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September 20, 1932  
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Appearances: Charles H. Smith, Esq., Colorado Springs,  
Colorado, attorney for applicants.

S T A T E M E N T

By the Commission:

This is an application by L. E. Dicks and D. P. Adams for authority to the former to transfer to the latter a portion of the certificate of public convenience and necessity which the Commission heretofore issued to said Dicks in Application No. 599. The certificate issued to Dicks authorizes him to operate two automobiles. He now desires to transfer his rights so far as one automobile is concerned.

The evidence showed that there are no debts arising out of Dicks' operations and that he is in good standing as an operator. The evidence further showed that the operating and financial responsibility on the part of said Adams is satisfactory.

The consideration to be paid by Adams to Dicks is \$175.00, and the former gets not only a portion of the certificate, but also one automobile.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that authority should be granted to L. E. Dicks to transfer to D. P. Adams a portion of his certificate of public convenience and necessity, being such portion of same as relates to the use in the sightseeing service in question of one automobile.

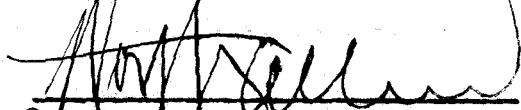


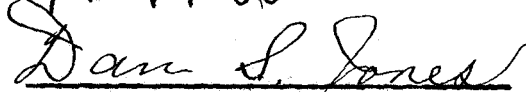
O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to L. E. Dicks to transfer a portion of his certificate of public convenience and necessity heretofore issued to him in Application No. 599, being such portion of same as relates to the use in the sightseeing service in question of one automobile, to D. P. Adams.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said L. E. Dicks, transferor, shall become and remain those of the said D. P. Adams, transferee, until and unless the same are changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRANK INMAN. )  
-----

CASE NO. 949

-----  
September 20, 1932.  
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S T A T E M E N T

By the Commission:

On June 21, 1932, the Commission entered its order requiring the respondent to show cause why his Class B private motor vehicle permit No. 250-B should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law.

The matter was duly heard on July 6, 1932. At said hearing it developed that respondent had filed the necessary insurance with the Commission, but that same had been cancelled on June 4, 1932. A decision in said case was held in abeyance in order to give respondent an opportunity to file the necessary insurance.

It now appears that said private motor vehicle permit No. 250-B has expired by limitation on September 1, 1932.

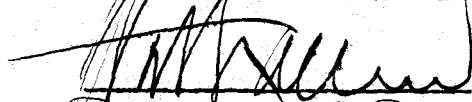
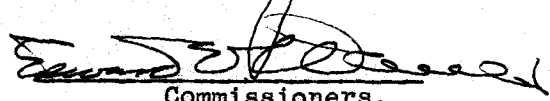
After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

Dated at Denver, Colorado,  
this 20th day of September, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
David S. Jones  
  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROY A. ROWLAND. )  
-----

CASE NO. 971

-----  
September 21, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

The Commission made an order on September 1, 1932, requiring the respondent, Roy A. Rowland, to show cause why his private motor vehicle permit No. 296-A, heretofore issued to him, should not be revoked on account of his failure to pay highway compensation taxes due for the months of November and December, 1931, and February and March, 1932.

The respondent was duly served with a notice.

The evidence shows that he has not paid the highway compensation taxes for the months stated.

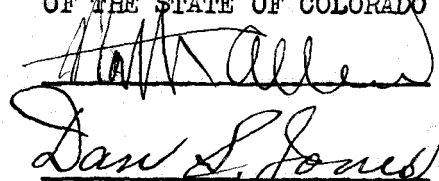

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that said private motor vehicle permit No. 296-A, heretofore issued to respondent, Roy A. Rowland, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That said private motor vehicle permit No. 296-A, heretofore issued to said respondent, Roy A. Rowland, be, and the same is hereby, cancelled and revoked.

Dated at Denver, Colorado,  
this 21st day of September, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan L. Jones  
  
Edmund E. Jones  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
PAUL MARTIN. )  
-----

CASE NO. 975

-----  
Sept. 21, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 6, 1932, requiring the respondent, Paul Martin, to show cause why his private motor vehicle permit No. 318-A, heretofore issued to him, should not be revoked on account of his failure to file monthly highway compensation tax reports for the months of March, April, May and June, 1932, and for failure to pay his highway compensation taxes due for the the month of February, 1932.

The respondent was duly served with a notice.

The evidence shows that he has not made the reports for the months stated or paid the highway compensation taxes for the month stated.

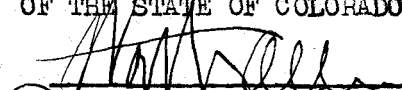
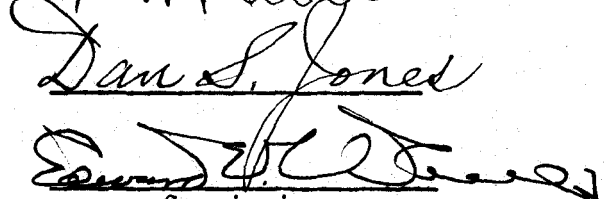
After careful consideration of the evidence, the Commission is of the opinion, and so finds, that said private motor vehicle permit No. 318-A, heretofore issued to respondent, Paul Martin, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That said private motor vehicle permit No. 318-A, heretofore issued to said respondent, Paul Martin, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 21st day of September, 1932.

  
Dan S. Jones  
  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
STANDARD TRANSPORTATION COMPANY, ) CASE NO. 973  
A CORPORATION. )  
-----

-----  
Sept. 21, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

The Commission made an order on September 1, 1932, requiring the respondent, Standard Transportation Company, a corporation, to show cause why its certificate of public convenience and necessity, heretofore issued to it, should not be cancelled and revoked on account of its failure to file monthly highway compensation tax reports for the months of December, 1931, to July, 1932, inclusive; for failure to pay its highway compensation taxes due for the months of October and November, 1931; and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

The evidence shows that respondent has not made the reports for the months stated, or paid the highway compensation taxes for the months stated, or filed an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

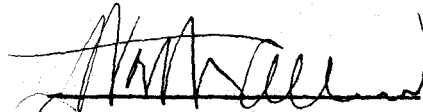
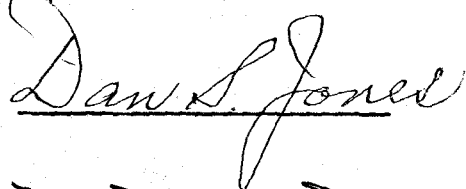
After careful consideration of the evidence, the Commission is of the opinion, and so finds, that said certificate of public convenience and necessity, heretofore issued to respondent, Standard Transportation Company, a corporation, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That said certificate of public convenience and necessity, heretofore issued to said respondent, Standard

Transportation Company, a corporation, be, and the same is hereby,  
cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "Arthur Wall", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Dan S. Jones", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Samuel E. Jones", written over a horizontal line.  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE ZOBEL. )  
-----

CASE NO. 970

-----  
Sept. 22, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 1, 1932, requiring the respondent, George Zobel, to show cause why his private motor vehicle permit No. 292-A heretofore issued to him, should not be revoked on account of his failure to file monthly highway compensation tax reports for the month of June, 1932, and for failure to pay his highway compensation taxes due for the months of February, March, April and May, 1932.

Since the order was made the respondent has filed all reports due to date and has given the Commission a check for the taxes for said months of February, March, April and May.

We are inclined to give the respondent the benefit of the doubt as to his knowledge of his duties. However, we must point out to him that we have repeatedly sent tracers advising him that his reports must be filed and his taxes paid. Another failure such as this to promptly file monthly reports and pay highway compensation taxes will have to be dealt with as such delinquencies warrant.

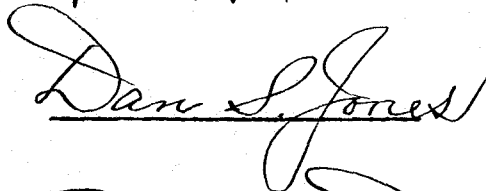
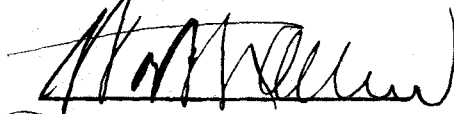
After careful consideration of the matter, the Commission is inclined to, and does find, that the case herein should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and

the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of September, 1932.



(Decision No. 4604)

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. F. OLSON AND I. H. WILLS, )  
DOING BUSINESS AS WILLS TRANS- ) CASE NO. 972  
PORTATION COMPANY. )  
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-----  
Sept. 22, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

The Commission made an order on September 1, 1932, requiring the respondents, J. F. Olson and I. H. Wills, doing business as Wills Transportation Company, to show cause why their private motor vehicle permit No. 320-A, heretofore issued to them, should not be revoked on account of their failure to file monthly highway compensation tax reports for the months of February to July, 1932, inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

The evidence shows that respondents have not made the reports for the months stated, or filed an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

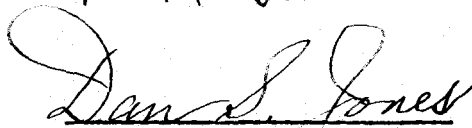
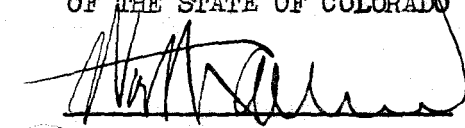
After careful consideration of the evidence the Commission is of the opinion, and so finds, that said private motor vehicle permit No. 320-A, heretofore issued to respondents, J. F. Olson and I. H. Wills, doing business as Wills Transportation Company, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That said private motor vehicle permit No. 320-A, heretofore issued to said respondents, J. F. Olson and I. H. Wills,

doing business as Wills Transportation Company, be, and the same is hereby,  
cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Daniel S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EARL CAIN. )  
-----

CASE NO. 886 ✓

RE MOTOR VEHICLE OPERATIONS OF )  
W. J. DURAY. )  
-----

CASE NO. 887

RE MOTOR VEHICLE OPERATIONS OF )  
EDGAR BATCHELOR. )  
-----

CASE NO. 888

-----  
September 22, 1932  
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S T A T E M E N T

By the Commission:

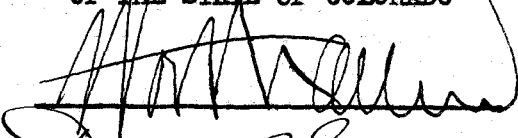
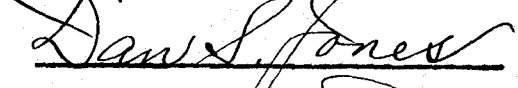

Respondents in the above entitled cases have filed an application for another stay of fifteen days.

After careful consideration of same, the Commission is of the opinion, and so finds, that said further stay for a period of fifteen days should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the order made herein on May 14, 1932, and the operation thereof, be, and the same is hereby, suspended and stayed for an additional period of fifteen days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY FOR AUTHORITY TO )  
SUBSTITUTE MOTOR VEHICLE SERVICE )  
FOR MIXED TRAIN SERVICE BETWEEN )  
PAGOSA JUNCTION, COLORADO AND PAGOSA )  
SPRINGS, COLORADO. )  
-----

APPLICATION NO. 2048 ✓

IN THE MATTER OF THE APPLICATION OF )  
RIO GRANDE MOTOR WAY, INC., FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY FOR THE TRANSPORTATION )  
OF PASSENGERS, BAGGAGE, MAIL, EXPRESS )  
AND PACKAGE FREIGHT BY MOTOR VEHICLE )  
BETWEEN PAGOSA JUNCTION, COLORADO, )  
AND PAGOSA SPRINGS, COLORADO, AND )  
INTERMEDIATE POINTS. )  
-----

APPLICATION NO. 2049

-----  
Sept. 22, 1932.  
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Appearances: T. A. White, Esq., Denver, Colorado,  
attorney for applicants;  
John H. Galbreath, Esq., Pagosa Springs,  
Colorado, attorney for the Town of  
Pagosa Springs.

S T A T E M E N T

By the Commission:

In Application No. 2048 authority is sought by The Denver and Rio Grande Western Railroad Company to substitute motor transportation service for rail service between Pagosa Junction and Pagosa Springs, in Archuleta County, Colorado, said motor service to be rendered by Rio Grande Motor Way, Inc., its subsidiary. Applicant also seeks authority to operate such irregular freight train service as may be required by the traffic in lieu of its present daily except Sunday mixed train service upon said branch line extending from Pagosa Junction to Pagosa Springs.

In Application No. 2049 authority is sought by Rio Grande Motor Way, Inc., to transport passengers, baggage, mail, express and package freight by motor vehicle between Pagosa Junction and Pagosa Springs in the event that

The Denver and Rio Grande Western Railroad Company is granted permission to curtail its rail service as prayed for in Application No. 2048. Authority is also sought to operate from Durango, Colorado, to Pagosa Springs in the event the highway from Pagosa Junction to Pagosa Springs is blocked or considered unsafe for travel.

Said applications were joined for the purpose of the hearing which was held at Pagosa Springs on August 25, 1932.

Pagosa Junction is located 60 miles east of Durango on the main narrow-gauge line of the Rio Grande extending from Alamosa to Durango. A branch line approximately 30 miles in length extends from Pagosa Junction to Pagosa Springs. Pagosa Springs is the county seat of Archuleta County, and has a population of approximately 800 and serves a surrounding territory which contains an estimated population of 1,000 more. At the present time, the Rio Grande railroad company is operating a daily except Sunday mixed train from Pagosa Junction to Pagosa Springs, leaving Pagosa Springs at 9:25 A.M., arriving at Pagosa Junction at 12:05 P.M., and on the return trip leaving Pagosa Junction at 1:55 P.M., arriving at Pagosa Springs at 4:05 P.M.

The proposed motor vehicle transportation service would operate from Pagosa Junction over the county road to Dyke, Colorado, a distance of approximately 16 miles, thence over State Highway No. 10 from Dyke to Pagosa Springs. It is proposed to operate said bus service daily except Sunday and to coordinate said service with the Rio Grande main line narrow-gauge train service between Alamosa and Durango.

It is further proposed to operate such irregular freight train service between Pagosa Junction and Pagosa Springs as may be reasonably required to meet the traffic demands. If road and weather conditions are such as to prevent the operation of the bus between Pagosa Junction and Pagosa Springs, the Rio Grande proposes to resume its daily except Sunday operation of mixed train service during such period, provided, however, that such train service would not be resumed if the Rio Grande Motor Way, Inc.,

should elect to operate over the highway from Durango to Pagosa Springs during said emergency.

On the part of protestant, it is contended that the county road between Pagosa Junction and Dyke is of such character that it would be dangerous to operate a bus thereover and that the discontinuance of train service would result in great inconvenience to the traveling public. Protestant further states that it would have no objection, however, to the operation of motor busses upon the railroad, which it alleges would be much more practicable than attempting to operate over the highway. It also requests seven days a week service instead of six.

On the part of applicant, the evidence disclosed that the total revenue received from the operation of said branch line for the year 1931 amounted to the sum of \$52,187.69, of which amount \$43,390.04 was allocated to main line revenue and \$8,797.65 to branch line revenue. The average number of freight cars per train over the Pagosa Springs branch for the year 1931 was 2.3, and for the first six months of 1932 the average number was 1.9. During the year 1931, 842 passengers were transported over said branch line. The total number of l.c.l. shipments handled on said branch for the year 1931 was 1386 with a total weight of 488,344 pounds. The cost of operating said branch line during the year 1931, exclusive of track and bridge maintenance and taxes, amounted to the sum of \$21,200.04. This is exclusive also of the cost of maintaining the agency station at Pagosa Springs, which applicant proposes to continue if granted the authority sought in the instant applications. It was estimated that two freight trains per week would be necessary to take care of the ordinary freight requirements upon the Pagosa Springs branch, and it was estimated that the cost of operating same would vary from \$7,500 to \$8,500 per year, which would mean a saving of approximately \$13,000 to the railroad for the operation of said branch line compared with its present set-up, and without considering any loss of traffic.

The president of Rio Grande Motor Way, Inc., testified that in his opinion a bus service could be operated safely over the highway between

Pagosa Springs and Pagosa Junction, and stated that the road was no worse than others over which his company had conducted motor vehicle operations. He proposes to install a six-passenger machine with a compartment capable of carrying two tons of express, mail and package freight. The estimated cost of such equipment would be approximately \$3,000. He further testified that the operating expenses for such service would be approximately \$250 per month, including driver, gas, oil and depreciation, but with no supervision expenses included.

On the part of protestant, evidence was introduced to the effect that the road from Pagosa Junction to Dyke is a narrow dirt road with sharp curves and heavy grades; that for a considerable portion of the distance it extends through an adobe country and becomes very slippery when wet. It was also disclosed that the Pagosa Springs area receives one of the heaviest rainfalls of any section of the State; that most of the rains occur in the afternoon, and that it would be impossible for a driver to determine, when he left Pagosa Springs in the morning, whether or not the road would be safe for travel upon his return trip in the afternoon. All of protestant's witnesses were of the opinion that it would be unsafe to operate a motor bus over the highway from Pagosa Junction to Dyke. From Durango to Pagosa Springs over State Highway No. 10, the road is improved and graveled a large part of the way, although some portions of said highway that have not been graveled still become quite slippery when wet. The snowfall in the Pagosa Springs area is quite heavy and in the opinion of some of the witnesses the highway between Pagosa Springs and Pagosa Junction would be blocked for approximately four months of the winter season.

One of the witnesses for applicant testified that the railroad company had considered the substitution of a "bus on rails" for its present operation, but that the railroad company would be required under its agreements with its railroad employees to employ at least two men in the operation of a railroad bus, and that the salaries of such men would be

materially higher than the salary which would have to be paid to one operator on a motor vehicle using the highway.

The financial condition of the railroad and the fact that it is at present operating at a financial loss was established by the exhibits.

In considering this case the Commission is of the opinion that the Rio Grande is entitled to make such reasonable economies in its operating costs as the circumstances may justify, due regard being had for the rights of the public.

It is not the intention of the Commission to attempt to dictate the management policy of the railroad company, but a careful examination of the records in the instant case convinces us that the branch line extending from Pagosa Junction to Pagosa Springs offers an ideal opportunity for a material reduction in operating costs by the use of a railroad bus rather than the present heavy equipment that is being operated over said branch. The maximum grade on said branch line is  $3\frac{1}{2}$  per cent, and the greatest degree of curvature is 28 per cent. The total cost of a rail auto bus, according to one of the witnesses, would be approximately \$6,500 at Denver. Such equipment would have a capacity of ten tons and could carry from six to eight passengers. The installation of such equipment, or something of a similar nature, would, in the opinion of the Commission, render much better service to the Pagosa Springs area than would the installation of a motor bus service upon a highway that is narrow, unimproved and slippery in wet weather. If such a rail motor bus could be operated by one man, a greater saving could be effected by the railroad company in its operation of the Pagosa Springs branch. We are of the opinion also that the general public would be much better served by a rail motor bus than by a bus operated over the highway.

The Commission is primarily concerned with the welfare of the public. It is apparent that under present economic conditions a serious situation may arise in connection with the attempted abandonment of numerous branch lines of narrow-gauge railroads within our State. Already



three such applications are now pending before the Interstate Commerce Commission. We refer to the South Park line of the Colorado and Southern, the Parlin-Quartz and the Sapinero-Lake City branches of the Rio Grande. It is quite possible that other applications will be filed. We feel that every possible effort should be made to preserve such rail line service to our communities. Our narrow-gauge railroads have contributed greatly to the upbuilding of Colorado and may do so again if not irretrievably lost during this period of depression. We have in mind particularly in this respect the mining industry of Colorado. The Commission realizes that railroads cannot be operated indefinitely at a loss. To preserve these lines, it may be necessary to cast precedent aside, and for archaic rules and regulations to be superseded by more reasonable agreements, and if in the march of progress it becomes apparent that new methods and practices are advisable, they should be adopted. If the railroad bus is the answer to some of the problems now facing the operation of our narrow-gauge lines, surely its adoption is preferable to the complete loss of all rail service.

We find nothing in the record to justify the requirement that seven day a week service be furnished between Pagosa Junction and Pagosa Springs.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that in Application No. 2048 the public convenience and necessity forbid the substitution of highway motor transportation by applicant in lieu of its present daily except Sunday mixed train service, but that authority should be granted applicant to substitute daily except Sunday railroad auto bus service between said points if it so desires, provided that irregular freight service shall be continued as traffic requirements may demand.

The Commission further finds in Application No. 2049 that the public convenience and necessity do not require the proposed motor vehicle operations of Rio Grande Motor Way, Inc., between Pagosa Junction and Pagosa Springs and/or between Pagosa Springs and Durango.


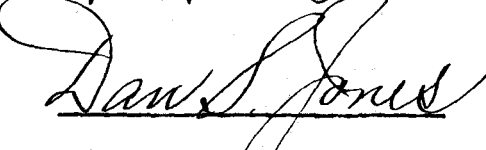

O R D E R

IT IS THEREFORE ORDERED, That in Application No. 2048 the public convenience and necessity forbid the substitution of highway motor transportation between Pagosa Junction and Pagosa Springs by The Denver and Rio Grande Western Railroad Company in lieu of its present daily except Sunday mixed train service, and said application is hereby denied, save and except that said applicant may, if it so desires, substitute daily except Sunday railroad auto bus service between said points, provided that irregular freight service shall be continued as traffic requirements may demand.

IT IS FURTHER ORDERED, That in Application No. 2049 the public convenience and necessity do not require the proposed motor vehicle operations of Rio Grande Motor Way, Inc., between Pagosa Junction and Pagosa Springs and/or between Pagosa Springs and Durango, and said application is hereby denied.

IT IS FURTHER ORDERED, That jurisdiction of this matter is hereby retained by the Commission for such further action as conditions may require.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
COLORADO RAPID TRANSFER COMPANY. ) PERMIT NO. A-47  
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-----  
September 27, 1932  
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S T A T E M E N T

By the Commission:

A private motor vehicle permit, No. A-47, was issued to E. A. Garnett and L. C. Austin, co-partners, doing business as Colorado Rapid Transfer Company, on July 2, 1931.

No highway compensation tax reports have ever been filed by the holders of said permit.

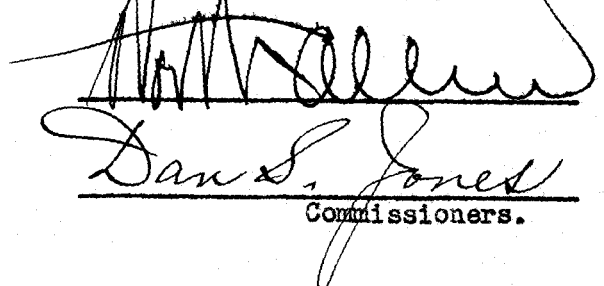
The Commission took the matter up with them and received a letter dated October 24, 1931, signed "Colorado Rapid Transfer Co.," in which it is stated "we wish to notify you that all operations under Permit #47-A, have been discontinued; in fact no operations under this permit were ever undertaken."

The Commission is of the opinion, and so finds, on the statement made by the holders of said permit in the said letter, the said permit heretofore issued to them should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-47, heretofore issued to E. A. Garnett and L. C. Austin, co-partners, doing business as Colorado Rapid Transfer Company, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Dan S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF UNION PACIFIC RAILROAD COMPANY )  
FOR AUTHORITY TO ABANDON ITS AGENCY )  
STATION AT PURITAN, WELD COUNTY, )  
COLORADO. )

APPLICATION NO. 2062

-----  
September 27, 1932  
-----

Appearances: E. G. Knowles, Esq., Denver, Colorado,  
attorney for applicant.

S T A T E M E N T

By the Commission:

Union Pacific Railroad Company filed an application for authority to close its station agency at Puritan, Weld County, Colorado. Although notices were sent out to a number of people thought to be concerned, no appearance was made for any shippers.

The evidence shows that Puritan is at or about the end of a spur of the Union Pacific, and that the traffic moving over said spur is principally coal which moves in carload lots from the Shamrock and Puritan mines. The owners of both mines were consulted and they have no opposition to the closing of the agency. A substantial volume of beets move off the branch, but, as in other cases, it appeared that the beets could be handled as well without an agent as with one.

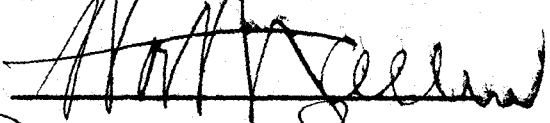

There is about one ton of l.c.l. freight moving to Puritan per month. However, the practice is to set out at the mines the cars containing such freight, and the agent has little to do therewith.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity no longer require the maintenance of a station agency at Puritan, Colorado, and that authority should be granted to the applicant to close the same, at the close of business September 30, 1932.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Union Pacific Railroad Company to close its station agency at Puritan, Colorado, at the close of business September 30, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of September, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

- - - - -

RE FREE TRANSPORTATION BY THE DENVER  
AND SALT LAKE RAILWAY COMPANY FROM  
McGREGOR, COLORADO, TO DENVER, COLO-  
RADO, ON ONE CAR OF COAL CONSIGNED  
TO THE SANDS HOUSE ASSOCIATION, DENVER,  
COLORADO.

MISCELLANEOUS DOCKET NO. 17

-----  
September 28, 1932.  
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STATEMENT

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated September 27, 1932, requesting authority to transport one carload shipment of coal free of charge from McGregor, Colorado, to Denver, Colorado, on account of charity.

The shipment in question has been donated by one of the shippers on the line of The Denver and Salt Lake Railway Company to the Sands House Association, a charitable organization, and is to be used for charity.

Section 17, Paragraph (e) provides that the Commission may by rule or order authorize carriers to depart from their published tariff rates.

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

An appropriate order will be entered.

ORDER

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized and directed to protect a free rate on one carload shipment of coal from McGregor, Colorado, to Denver, Colorado, consigned to the Sands House Association.



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

Commissioner Wheeler not present.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(S E A L)

WORTH ALLEN

---

Dated at Denver, Colorado, this  
23th day of September, 1932.

DAN S. JONES

---

Commissioners.

ATTEST:

A true copy.

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Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

LEWIS FRANK WELLS. )

CASE NO. 1038

September 28, 1932

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

August, 1932.

Respondent has failed also to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Harold Hall*  
*Don S. Jones*

Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLAUD RICHARDSON )

CASE NO. 1039

\_ September 28, 1932. \_

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. 41-A</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not receivedJune, July and August, 1932. *NOT RECEIVED*Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	April	\$ 8.33	.37	\$8.70
"	May	9.28	.28	9.56
				<u>\$18.26</u>

*NOT PAID*

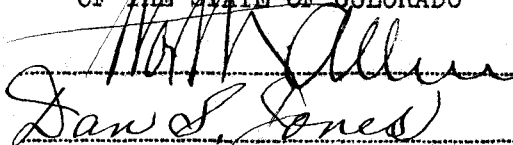
Respondent has failed also to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit <sup>No. 41-A</sup> heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EARL ANTHONY. ) CASE NO. 1040

September 28, 1932.

STATEMENT

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit<sup>No. 42-A</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

November and December 1931, January to August, 1932, Inclusive.

Highway Compensation tax unpaid

Year	Month	Tax	Penalty	Total
1931	October	\$ 12.72	1.72	\$ 14.44

Respondent has failed also to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

ORDER

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit<sup>No. 42-A</sup> heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Art. J. Jones*  
*Dan S. Jones*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. C. McAFFEE. )

CASE NO. 1041

- September 28, 1932. -

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. 61-A</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

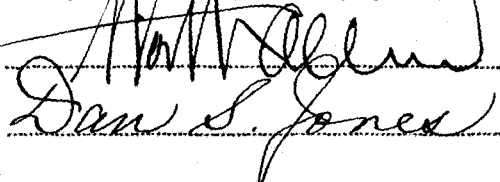
The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not receivedMay, June, July and August, 1932. *Report on Delinquency*O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit <sup>No. 61-A</sup> heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN W. MACK. )

CASE NO. 1042

September 28, 1932.

# STATEMENT

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. 84-A</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

## Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	May	--	.15	\$ .15
"	June	\$3.94	.06	4.00
"	July	2.13	--	2.13
				<u>\$ 6.28</u>

Respondent has failed also to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

## ORDER

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Sam S Jones

~~XXXXXXXXXXXXXXXXXXXX~~

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ED BALDWIN. )

CASE NO. 1043

September 28, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. 54-A</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

July and August, 1931.

Respondent has failed also to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit <sup>No. 54-A</sup> heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Arthur Allen*  
*Dan S. Jones*

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. W. BANTA and JOHN SAMPSON. )

CASE NO. 1044

September 28, 1932.

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondents <sup>No. 56-A</sup> were heretofore issued a permit under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing them to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

April, May, June and July, 1932.

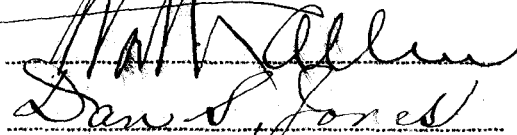
Respondents have also failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit <sup>No. 56-A</sup> heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO


Commissioners.

(Decision No. 4617)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
ROSS SHIELDS, DOING BUSINESS AS A-ONE )  
TRANSPORTATION COMPANY, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE TRUCKING SERVICE BETWEEN )  
DENVER, COLORADO, AND ELIZABETH, KIOWA, )  
ELBERT, FONDIS, RAMAH AND SIMLA, ALL )  
IN THE STATE OF COLORADO. )

APPLICATION NO. 2025

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-----  
Sept. 24, 1952.  
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Appearances: John R. Adams, Esq., Denver, Colorado,  
attorney for applicant;  
F. F. Crabbe and John Q. Dier, Esqs.,  
Denver, Colorado, for The Colorado  
and Southern Railway Company;  
D. Edgar Wilson, Esq., Denver, Colorado,  
for the Chicago, Rock Island and Pacific  
Railway Company;  
T. F. Williams, Kiowa, Colorado,  
pro se

**STATEMENT**

By the Commission:

Applicant seeks authority to establish motor vehicle service for the transportation of general freight between Denver, Colorado, and Elizabeth, Kiowa, Elbert, Fondis, Ramah and Simla, Colorado. At the request of attorney for applicant, authority was granted to amend the application by interlineation to show that applicant was doing business in the name of "A-One Transportation Company", and also to eliminate the town of Fondis from said application.

The evidence disclosed that early in the present summer applicant had operated a line between Denver and Simla, Colorado, and intermediate points, but ceased said operations at the request of the Commission until his application could be heard. At the time of filing his application, no one was operating a



through line from Denver to Elbert, and the only operation from Simla and Ramah to Denver was via Colorado Springs.

On the part of protestants, the evidence disclosed that subsequent to the filing of the instant application, Homer M. Jessup had obtained a certificate authorizing a regular line haul service between Denver and Elbert, via Elisabeth and Kiowa, and that he is now engaged in conducting said operation. It was further disclosed that T. F. Williams, who holds a contract for the transportation of mail between Kiowa and Elisabeth, also has a certificate authorizing the transportation of general freight between said points. There are also five certificates now in existence authorizing the transportation of livestock from the Elbert district into Denver.

The evidence disclosed that Oren A. Hartsel of Simla, Colorado, is operating regularly from Simla and Ramah to Denver, via Colorado Springs. The record further shows that all of the certificate holders now operating in said district have ample equipment to take care of the needs of the territory which applicant desires to serve, and that under present conditions none of them are receiving as much business as they are able to properly handle. No evidence was introduced to show any inadequacy of service on the part of those who are already authorized to serve said territory, and the record as a whole does not disclose that any public convenience and necessity exists at the present time for the proposed operations of applicant.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity do not require the proposed motor vehicle operations of applicant.



**ORDER**

**IT IS THEREFORE ORDERED, That the above entitled application be, and the same is hereby, denied.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

**WORTH ALLEN**

**DAN S. JONES**

**EDWARD E. WHEELER  
Commissioners**

**( SEAL )**

**Dated at Denver, Colorado,  
this 24th day of September, 1932.**

**ATTEST: A TRUE COPY.**

**Secretary**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF THE DENVER AND RIO GRANDE )	
WESTERN RAILROAD COMPANY FOR AUTHOR- )	<u>INVESTIGATION AND SUSPENSION</u>
ITY TO CLOSE ITS STATION AGENCY AT )	<u>DOCKET NO. 190 .</u>
WIGWAM, COLORADO. )	
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-----  
Sept. 29, 1932.  
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Appearances: T. A. White, Esq., Denver, Colorado,  
attorney for applicant.

S T A T E M E N T

By the Commission:

The question involved herein is whether or not authority should be granted to The Denver and Rio Grande Western Railroad Company to close its station agency at Wigwam, Colorado.

Wigwam is a station located on the line of applicant 5.6 miles south of the agency station at Buttes and 6.3 miles north of Pinon. The business done at the station is very light. The total revenue for the year 1930 was \$2,302.41; the total for the year 1931 was \$2,397.79; the total for the first three months of 1932 was \$192.22.

This business consists solely of freight, and practically all of the freight consists of livestock shipped in carload lots. No revenue whatever was realized at said station during any of the three years in question from passenger business. One telegram only was sent through the station during the first year. The cost of operating the station for the year 1930 was \$3,921.35, which is in line with the costs that have been incurred since.

The reason why the Commission suspended the proposed action of the carrier in closing said agency is that we had protests from four persons. None of them appeared in person or by an attorney at the hearing. Evidence was given showing that three of the said persons had since consented in

writing to the closing, and that the fourth had given his oral consent and would, as soon as he could be reached, sign a statement withdrawing his protest.

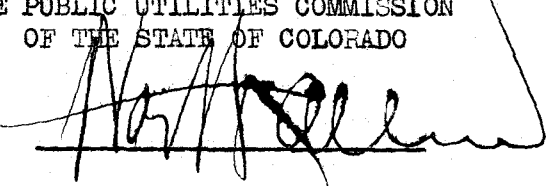
The carrier proposes to maintain a telephone operator at said station for operating purposes. He will have authority to forward and receive telegrams if agreeable to the telegraph company, to place under lock at the station any prepaid l.c.l. freight and express which is shipped to Wigwam, and to place on the train for any shippers l.c.l. freight and express sent from Wigwam "collect".

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity no longer require the maintenance of the station agency at Wigwam, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Denver and Rio Grande Western Railroad Company to close its station agency at Wigwam, Colorado, at the close of business on September 30, 1932, subject to the understanding stated, supra, with respect to the maintenance of a telephone operator therein.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of September, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WESLEY J. HERTER. )

CASE NO. 1045

-- October 3, 1932. --

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. 98-A</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

May, June, July and August, 1932.

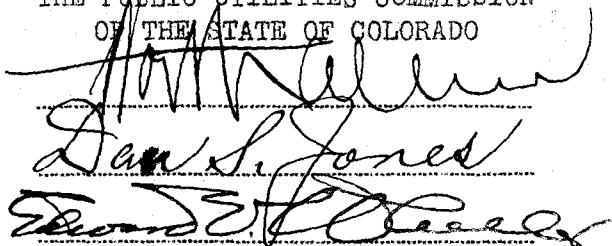
Respondent has also failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit <sup>No. 98-A</sup> heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
H. E. BUTLER AND SON. ) CASE NO. 1046

-- October 3, 1932 --

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

October, 1931 to July, 1932, inclusive.

Respondent has also failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
Dan S. Jones  
*[Signature]*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN BRINKMAN. )

CASE NO. 1047

October 3, 1932

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. 109-A</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

June, July and August, 1932. → NOT RECEIVED

Highway Compensation tax unpaid

<u>Month</u>	<u>Year</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
May	1932	\$23.56	.71	\$ 24.27

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit <sup>No. 109-A</sup> heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
 Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. B. RADER. )

CASE NO. 1048

\_ October 3, 1932 \_

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle. No. 162-A

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	April	\$14.25	.64	\$ 14.89
"	May	14.25	.43	14.68
"	June	4.12	.06	4.18
"	July	4.12	--	4.12
"	August	4.12	--	4.12
				<u>\$ 41.99</u>

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit, heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises. No. 162-A

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF }  
C. H. KELLEY AND JAMES STUART. }

CASE NO. 1049

October 3, 1932.

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a permit under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing them to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received  
April, May, June, July and August, 1932.

<u>Highway Compensation tax unpaid</u>				
<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1931	June	--	\$ 19.22	\$ 19.22
"	July	--	14.90	14.90
"	August	--	14.07	14.07
"	September	--	7.56	7.56
"	October	--	5.39	5.39
"	November	--	2.27	2.27
1932	January	--	2.62	2.62
				<u>\$66.03</u>

Respondents have also failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on October 24, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
H. W. BONDURANT. )

CASE NO. 1050

-- October 3, 1932. --

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. A-195</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

June, July and August, 1932.

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1932, and by Rule 10 of the Rules and Regulations of the Commission Governing Private Carriers for Hire by Motor Vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten signatures of Commissioners]*

Commissioners.

(Decision No. 4625 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN A. DAVIS. )

CASE NO. 1051

October 3, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. A-212</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*W. H. Allen*  
*Don S. Jones*

*W. H. Allen*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED GREENWALD. ) CASE NO. 1052

October 3, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. 270-A</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

April, May and August, 1932.

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission Governing Private Carriers for Hire by Motor Vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED DREW. ) CASE NO. 1053

October 3, 1932

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

January, 1932, to August, 1932, inclusive.

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*San S. Jones*  
*Edward E. Decker*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF }  
J. H. KLEIN. } CASE NO. 1054

October 3, 1932.S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

May, July and August, 1932.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	June	\$5.26	.08	\$5.34

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
\_\_\_\_\_  
Dan S. Jones  
*[Signature]*  
\_\_\_\_\_  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

E. H. SCHAEFFER. )

CASE NO. 1055.

October 3, 1932.

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit <sup>No. A-238</sup> under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

June, July and August, 1932.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	May	\$4.31	.13	\$4.44

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission Governing Private Carriers for Hire by Motor Vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

CECIL FRY. )

CASE NO. 1056

October 3, 1932

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not ReceivedApril, May, June, July, 1932. *Sept. to Dec.*Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	Feb. & March	\$4.56	.30	\$4.86

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*W. H. Hall*  
*Don L. Jones*  
*Edward E. Steele*

Commissioners.

(Decision No. 4631 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
KIRK ALBRIGHT.

CASE NO. 1057

October 3, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle. No. A-274

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
David S. Jones

*[Signature]*  
Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
S. P. STEPHEN. )

CASE NO. 1058

-- October 3, 1932. --

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit under <sup>No. A-280</sup> the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August, 1932.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	February	\$32.62	\$2.45	\$ 35.07
	March	34.76	2.09	36.85
	April	36.04	1.62	37.66
	May	57.03	1.71	58.74
		160.45	7.87	168.32

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission Governing Private Carriers for Hire by Motor Vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
 Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
O. T. HORN. )

CASE NO. 1059

October 3, 1932.

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not ReceivedJune, July and August, 1932. *all in order Sept.*Monthly Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	May	\$32.05	\$ .96	\$33.01

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on October 25, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
 Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE BOARD OF COUNTY COMMISSIONERS OF )  
ADAMS COUNTY AND THE MIDLAND OIL REFIN- )  
ING COMPANY, A COLORADO CORPORATION, )  
WITH OFFICES AT DENVER, COLORADO, FOR )  
OPENING A PUBLIC HIGHWAY OVER THE )  
RIGHT-OF-WAY AND TRACKS OF THE UNION )  
PACIFIC RAILROAD AND THE CHICAGO, )  
BURLINGTON & QUINCY RAILROAD AT A )  
POINT JUST WEST OF THE INTERSECTION )  
OF THE CENTER LINES OF THE SOUTHEAST )  
QUARTER OF SECTION TWELVE, TOWNSHIP )  
THREE SOUTH, RANGE SIXTY-EIGHT WEST, )  
SAID HIGHWAY RUNNING EAST AND WEST )  
ALONG THE CENTER LINE OF SAID SOUTH- )  
EAST QUARTER OF SECTION TWELVE. )

APPLICATION NO. 2063

-----  
October 5, 1932  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from the attorneys for the Union Pacific Railroad Company and Chicago, Burlington & Quincy Railroad Company, requesting that they be granted until October 15, 1932, to file their answer in the above matter.

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

O R D E R

IT IS THEREFORE ORDERED, That Union Pacific Railroad Company and Chicago, Burlington & Quincy Railroad Company be, and they are hereby, granted an extension of time until October 15, 1932, for filing their answer in the above entitled cause.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*North Allen*  
*David S. Gould*  
*James E. C. Reed*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of October, 1932.

Before the Public Utilities Commission  
Of The State of Colorado

MAKE NO COPY

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
F. E. DUFFY AND NORMAN E. THACKERY, )  
DOING BUSINESS AS THE TRAVEL BUREAU. )  
-----

Case No. 1034

-----  
October 3, 1932.  
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S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondents are and have been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law, and/or as a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931, without a private permit authorizing the same.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not the said respondents, either personally or as agents and/or employees, have been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and/or as a private carrier by motor vehicle without a private permit authorizing the same, and whether said respondents have procured, aided or abetted in the violation of any of the terms of the aforesaid laws.

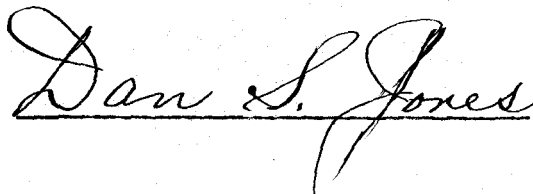
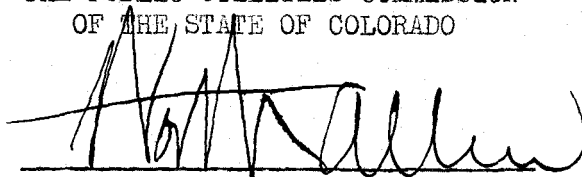
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondents have in any manner violated said Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, and/or Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondents to cease and desist from operating as a motor vehicle carrier and/or as a private carrier by motor vehicle unless and until they have procured a certificate of public convenience and necessity and/or a private permit authorizing such operations, and/or why they should not be required to cease and desist from aiding and abetting others in the violation of the above described provisions of the aforesaid laws.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 17th day of October, 1932, at 10:00 A. M. at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado  
this 3rd day of October, 1932

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM GOTTESMAN, DOING BUSINESS ) Case No. 1035  
AS NATIONAL TRAVEL EXCHANGE. )

-----  
October 3, 1932.  
-----

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is and has been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law, and/or as a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931, without a private permit authorizing the same.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not the said respondent, either personally or as agent and/or employe, has been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and/or as a private carrier by motor vehicle without a private permit authorizing the same, and whether said respondent has procured, aided or abetted in the violation of any of the provisions of the aforesaid laws.

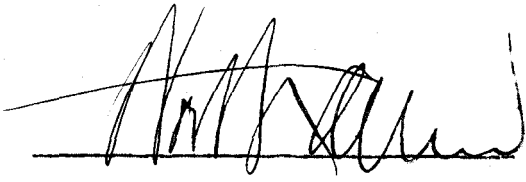
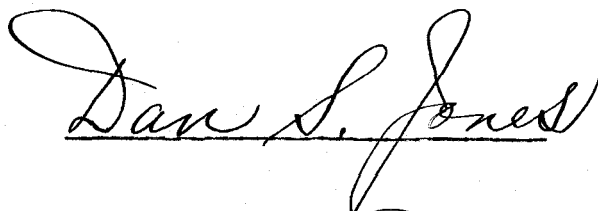
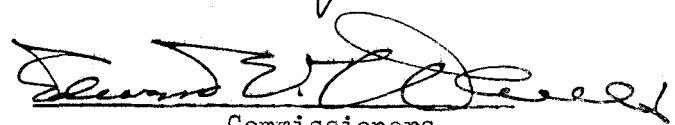
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondent has in any manner violated said Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, and/or Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondent to cease and desist from operating as a motor vehicle carrier and/or as a private carrier by motor vehicle unless and until he shall have procured a certificate of public convenience and necessity and/or a private permit authorizing such operations, and/or why said respondent should not be required to cease and desist from aiding and abetting others in the violation of the above described provisions of the aforesaid laws.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 17th day of October, 1932, at 10:00 A. M. at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado  
this 3rd day of October, 1932.

622 104  
4637  
(Decision No. 4637)

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. B. GLAVINS, F. E. DUFFY AND ) CASE NO. 1036  
M. L. HAINES, DOING BUSINESS AS )  
TRAVEL SERVICE BUREAU, INC. )

-----  
October 3, 1932  
-----

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondents are and have been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law, and/or as a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931, without a private permit authorizing the same.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not the said respondents, either personally or as agents and/or employes, have been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and/or as a private carrier by motor vehicle without a private permit authorizing the same, and whether said respondents have procured, aided or abetted in the violation of any of the terms of the aforesaid laws.

O R D E R

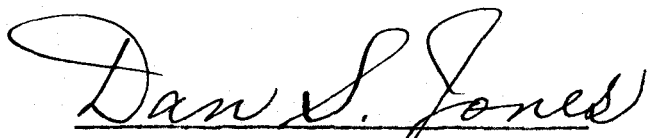
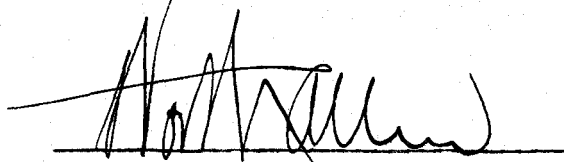
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondents have in any manner violated said Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, and/or Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931.



IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondents to cease and desist from operating as a motor vehicle carrier and/or as a private carrier by motor vehicle unless and until they have procured a certificate of public convenience and necessity and/or a private permit authorizing such operations, and/or why said respondents should not be required to cease and desist from aiding and abetting others in the violation of the above described provisions of the aforesaid laws.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 17th day of October, 1932, at 10:00 A. M. at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of October, 1932.

MAKE NO

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(Decision No. 4638)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
F. E. DUFFY AND NORMAN E. THACKERY, )  
DOING BUSINESS AS TRAVEL EXCHANGE )  
BUREAU )

CASE NO. 1037

-----  
October 3, 1932.  
-----

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondents are and have been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law, and/or as a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931, without a private permit authorizing the same.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not the said respondents, either personally or as agents and/or employes, have been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and/or as a private carrier by motor vehicle without a private permit authorizing the same, and whether said respondents have procured, aided or abetted in the violation of any of the provisions of the aforesaid laws.

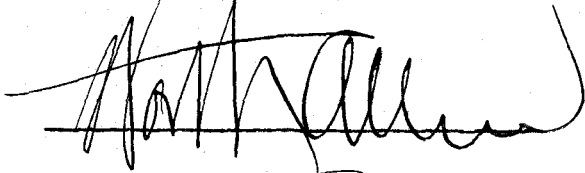
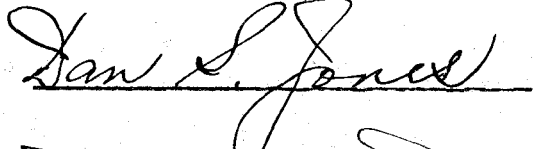
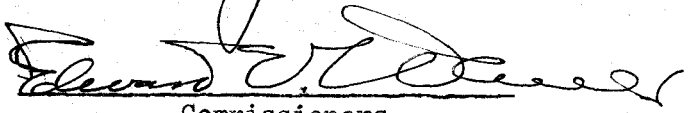
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondents have in any manner violated said Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, and/or Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondents to cease and desist from operating as a motor vehicle carrier and/or as a private carrier by motor vehicle unless and until they have procured a certificate of public convenience and necessity and/or a private permit authorizing such operations, and/or why said respondents should not be required to cease and desist from aiding and abetting others in the violation of the described provisions of the aforesaid laws.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 17th day of October, 1932, at 10:00 A.M. at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF INVESTIGATION AND )  
HEARING ON MOTION OF THE COMMISSION )  
INTO THE NECESSITY FOR CERTAIN CHANGES )  
IN THE COMMISSION'S PLANS AND SPECIFI- )  
CATIONS FOR CONSTRUCTION OF RAILROAD )  
HIGHWAY GRADE CROSSINGS AS PRESCRIBED )  
IN CASE NO. 56. )

SUPPLEMENT TO CASE NO. 879

-----  
October 4, 1932.  
-----

S T A T E M E N T

By the Commission:

The Commission's attention has been called to its order in Case No. 879 wherein certain specifications were prescribed for the construction and maintenance of railway-highway grade crossings without specifying when said crossings were to be made to conform with the new specifications.

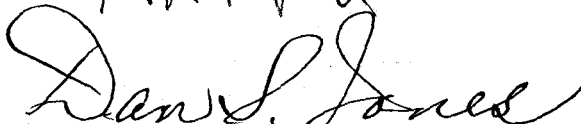
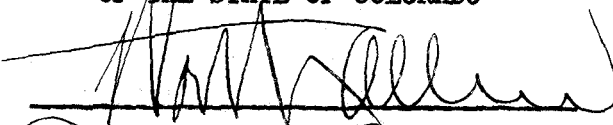
In the order in Case No. 56 it was specified that the work of improving the dangerous grade crossings be begun at once and all work required to be completed within a reasonable time. The specifications conformed with the requirements in highway construction at that time and it is presumed grade crossings were all made reasonably safe. The new specifications as provided in our order conform with the improvements in highway construction as found at this time. It is, of course, desirable that the grade crossings be made to conform with our new specifications as soon as possible; but with reasonably safe crossings it would seem unreasonable at this particular time of depressed business conditions to impose undue burdens on the railroads or others concerned by requiring all present crossings to conform in all details

with the new specifications at once. However, it is the purpose and intention of the Commission that at any crossing where the conditions are such in themselves as to be dangerous or made such by the new standards of highway construction the crossings should be made to conform with our new specifications. But in the main it was intended that where new highways are constructed at crossings or old crossings require repairs, they should be constructed in accordance with the new specifications, and to clarify the matter a supplementary order is hereby issued.

O R D E R

IT IS THEREFORE ORDERED, That the specifications for the construction and maintenance of railroad highway crossings at grade as prescribed in the former order in Case No. 879 shall apply to all new grade crossing installations in the State of Colorado and also to the renewal or repair of existing crossings requiring major renewal or repair, and also to the renewal or rearrangement of existing crossings necessitated by the future reconstruction and improvement of adjacent highways, and also to any case where the Commission finds after hearing that the non-conformity of an existing crossing with present improved highways might be dangerous or otherwise not reasonably satisfactory.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,  
this 4th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EDYTH M. ADAMS. ) CASE NO. 1062

m October 4, 1932

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	March	11.91	.71	\$12.62
	April	14.74	.66	15.40
	May	17.36	.52	17.88
	June	24.37	.37	24.74
	July	12.04		12.04
		<u>\$80.42</u>	<u>\$2.26</u>	<u>\$82.68</u>

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 26, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*David S. Jones*  
*Edward E. [unclear]*

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE LEADVILLE WATER COMPANY )  
FOR AN INCREASE OF RATES )  
\*\*\*\*\*

INVESTIGATION AND SUSPENSION  
DOCKET NO. 139.

-----  
October 4, 1932.  
-----

S T A T E M E N T

By the Commission:

On May 26, 1930, the Leadville Water Company filed with the Commission a revised rate schedule to be effective July 1, 1930. It was proposed to increase the rates for domestic and business users. The City Council of the city of Leadville, by its city attorney, protested the proposed increases and requested a reduction in the annual rental for fire hydrants of the city of Leadville. The Commission thereupon suspended the proposed effective date of the new schedule for investigation and a determination of the matter. After several hearings and extensive investigations had been made the Commission was of the opinion, for the reasons set out in its order of April 15, 1931, that the proposed increases in the main were justified and approved the new schedules to become effective October 1, 1930. The city of Leadville filed a motion for a rehearing and after carefully considering all the reasons therefor the Commission, in an order dated May 21, 1931, denied the petition for rehearing.

The city of Leadville, not being satisfied with the order of the Commission, made application to the District Court sitting in and for Lake County, Colorado, for a writ of review, which said Court granted. The Court after hearing arguments on the case issued an order setting aside the order of the Commission granting the increases proposed in the rate schedule. The Commission filed a motion for a rehearing which motion is still pending.

The Leadville Water Company, by its attorneys, has now filed a petition with the Commission alleging that since the date of the order of the Court herein referred to negotiations have taken place between said company and the city of Leadville regarding a contract between said parties providing for the supplying of water to the city of Leadville for fire, domestic and other purposes during a period of five years from the first day of July, 1932, by the Leadville Water Company, and in this contract a schedule of water rates for consumers in said city was agreed upon that is satisfactory to both parties.

The Water Company, the City of Leadville and this Commission have signed a stipulation by which the said writ of review shall be dismissed and all orders made therein held for naught.

It appears that the old contract by which the Leadville Water Company had served the city of Leadville had expired July 30, 1930, and this new contract, which was executed on August 16, 1932, extends the rights of said company to its operations for a period of five years from July 1, 1932.

The Commission is requested in said petition to issue an order authorizing the Leadville Water Company to put the water rates agreed upon in said contract into full force and effect, in accordance with the terms of the contract, a copy of which was attached to and made a part of the petition, and thereby terminate further proceedings in this matter.

It is noted that the rates agreed upon are less than the rates provided in the schedule approved by the Commission and it is assumed that in the negotiations between the Water Company and the city of Leadville good and substantial reasons were developed why the rates agreed upon would prove satisfactory to all and be reasonable and fair as between the consumers and the company. The Commission is not inclined to question these reasons, but desires rather to state that the finding of a common ground upon which these parties could negotiate their differences is a matter of sincere gratification to the Commission.

Therefore, since these rates have been approved by all the parties concerned it is assumed there are such considerations involved that the returns



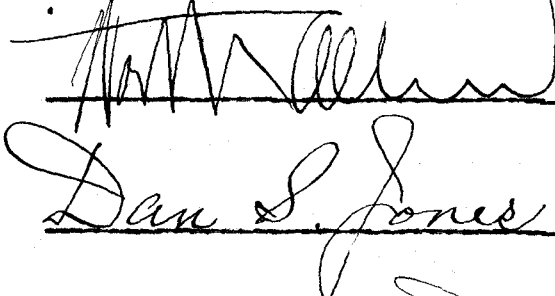
from the schedule are expected to be satisfactory to the company and the rates charged to the consumers are satisfactory to them, and an order will be made in accordance with the aforesaid petition.

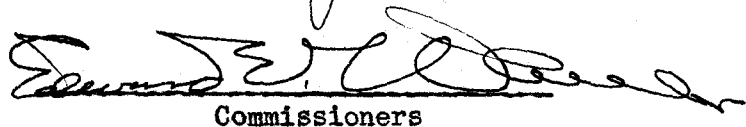
O R D E R

IT IS THEREFORE ORDERED, in view of the said contract between the Water Company and the City of Leadville, and said stipulation, that the orders made by the Commission in this case on April 15, 1931, Decision No. 3047, and May 21, 1931, Decision No. 3406, so far as the approval of the schedule of rates submitted by the Leadville Water Company are concerned, are hereby withdrawn.

IT IS FURTHER ORDERED, That the Leadville Water Company be, and it is hereby, authorized to file at once a new rate schedule with the Commission in accordance with the rates, terms and conditions provided in the contract entered into between the Leadville Water Company and the city of Leadville under date of August 16, 1932, said rate schedule to be effective on and after July 1, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones

  
Commissioners

Dated at Denver, Colorado, this  
4th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
INTERSTATE FREIGHT LINES, INC., ) CASE NO. 1063  
A CORPORATION. )

October 4, 1932.  
-----

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier, (Appl. 1828)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

March, April, May, June, July and August, 1932. No - No

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>	
1932	February	\$41.98	\$3.15	\$45.13	No - No

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers. No - No

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 26, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Walter Allen  
Dan S. Jones  
Edward E. Dancer  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JACOB J. SCHAEFER. ) CASE NO. 1064

October 4, 1932.

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

May, June, July and August, 1932. No No.

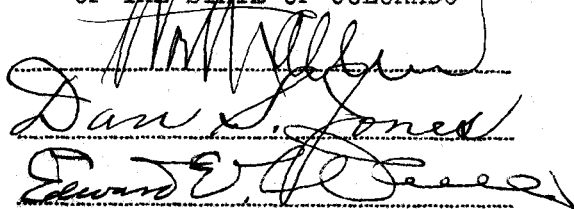
The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers. No-No.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy of surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 26, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Dan S. Jones  
Edward E. Jones

Commissioners.

(Decision No. 4645)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
P. L. GILLARD. )

PERMIT NO. A-53

-----  
October 5, 1932  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter signed by P. L. Gillard which states, "I have ceased to haul from Denver to Kremmling and have no use for a permit, as I am not driving my truck." The Commission assumes from the above letter that the said P. L. Gillard desires to have his permit cancelled.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-53, heretofore issued to said P. L. Gillard, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-53, heretofore issued to P. L. Gillard, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*North Allen*  
*Dan S. Jones*  
*Edward J. [unclear]*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EARL CAIN. )  
-----

CASE NO. 886

RE MOTOR VEHICLE OPERATIONS OF )  
W. J. DuRAY. )  
-----

CASE NO. 887

RE MOTOR VEHICLE OPERATIONS OF )  
EDGAR BATCHELOR. )  
-----

CASE NO. 888

-----  
October 6, 1932.  
-----

S T A T E M E N T

By the Commission:

Respondents in the above entitled cases have filed an application for another stay of twenty days.

After careful consideration of same, the Commission is of the opinion, and so finds, that said further stay for a period of twenty days should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the order made herein on May 14, 1932, and the operation thereof, be, and the same is hereby, suspended and stayed for an additional period of twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Donald E. L. [Signature]  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of October, 1932

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROY E. BARNER. )  
----- )

PERMIT NO. A-360

-----  
October 5, 1932.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter signed by Roy E. Barner, requesting that private permit No. A-360, heretofore issued to him, be suspended until such time as economic conditions permit him to resume his operations.

After careful consideration of the matter the Commission is of the opinion, and so finds, that private permit No. A-360, heretofore issued to the said Roy E. Barner, should be suspended indefinitely or until such time as the said Roy E. Barner advises the Commission that he is ready to resume operations under said permit and files with the Commission the necessary insurance policy or surety bond required by our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-360, heretofore issued to Roy E. Barner, be, and the same is hereby, suspended indefinitely, or until such time as said Roy E. Barner advises the Commission that he is ready to assume operation thereunder and files the necessary insurance policy or surety bond required by our Rules and Regulations.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of October. 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE TEMPORARY )  
CLOSING OF THE AGENCY STATION )  
OF THE COLORADO AND SOUTHERN RAIL- )  
WAY COMPANY AT NIWOT, BOULDER )  
COUNTY, COLORADO. )  
-----

APPLICATION NO. 2040

-----  
October 6, 1932.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a stipulation signed by the attorneys for the above named applicant, as well as the attorney for protestants, wherein it is agreed that, subject to the approval of this Commission, the station of The Colorado and Southern Railway Company at Niwot, Boulder County, Colorado, shall remain closed indefinitely; provided, however, that if railroad traffic at Niwot increases to such an extent as to justify an agent, the same shall be restored thereto.

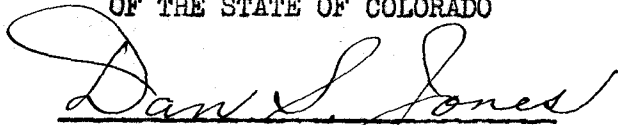
After careful consideration of said stipulation and the record in the instant case, the Commission is of the opinion, and so finds, that The Colorado and Southern Railway Company should be granted authority to discontinue its agency at Niwot, Boulder, County / Colorado, effective October 10, 1932, provided, however, that when railroad traffic at Niwot increases to such an extent as to justify an agent at said place, the same shall be restored, and provided further that if applicant and protestants are unable to agree as to when said business is sufficient for the restoration of such agent, the matter shall, on motion of any interested party, be submitted to this Commission for hearing and determination.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to the Colorado and Southern Railway Company to discontinue its agency station at Niwot, Boulder County, Colorado, effective October 10, 1932; provided, however, that when railroad traffic at Niwot increases to such an extent as to justify an agent at said place, the same shall be restored, and provided further that if applicant and protestants are unable to agree as to when said business is sufficient for the restoration of such agent, the matter shall, on motion of any interested party, be submitted to this Commission for hearing and determination.

IT IS FURTHER ORDERED, That jurisdiction of this case be, and the same is hereby, retained for the purpose of entering such further order or orders as may be necessary in the premises.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,  
this 6th day of October, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE CLOSING OF )  
CLOVERLY STATION, WELD COUNTY, )  
COLORADO. )

APPLICATION NO. 1974

-----  
October 6, 1932  
-----

Appearances: E. G. Knowles, Esq., Denver, Colorado,  
attorney for Union Pacific Railroad  
Company.

S T A T E M E N T

By the Commission:

On April 4, 1932, applicant was granted authority to close its agency station at Cloverly, Weld County, Colorado, each year during the period from May 15 to September 15.

Applicant is now seeking authority to entirely abandon its agency station at Cloverly.

At the time of the hearing in April, it was believed that sufficient business would materialize on or about September 15 to justify an agent at said station, but from the evidence introduced at the instant hearing, it is apparent that said business has not developed. The only prospective business that will in all probability be conducted at Cloverly will be the sugar beet movement this fall, and the livestock movement which usually occurs in January. This business consists of carload shipments and apparently can be handled satisfactorily either at Greeley or Gill where agency stations are maintained.

No protests were filed against the granting of the authority sought herein.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity no longer

require the maintenance of the Cloverly agency station by the Union Pacific Railroad Company.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Union Pacific Railroad Company to close its agency station at Cloverly, Weld County, Colorado, effective September 15, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. O'Connell

Commissioners.

Dated at Denver, Colorado,  
this 6th day of October, 1932.

(Decision No. 4650)

MAKING TWO COPIES

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. C. VAUGHN, DOING BUSINESS AS )  
THE VAUGHN TRANSFER AND TRANS- )  
PORTATION COMPANY. )

CASE NO. 985

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-----  
October 5, 1932.  
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Appearances: E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission;  
John C. Vaughn, Rocky Ford, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring the respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 956, should not be suspended or revoked by reason of his failure to make monthly reports for the month of December, 1930, and the months of June, 1931, to August, 1932, inclusive, also for his failure to file an insurance policy or surety bond as required by law.

At the hearing, respondent produced his delinquent reports and arranged with the auditing department to pay all highway compensation taxes due. Respondent stated that under present economic conditions his business outside of the city limits of Rocky Ford had declined to such an extent that he did not feel justified in carrying the insurance required by our rules, and requested that his certificate of public convenience and necessity be suspended temporarily until business conditions again justify his operations.

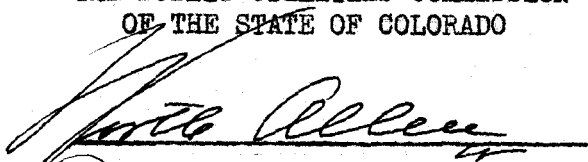
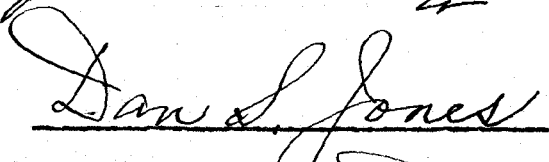
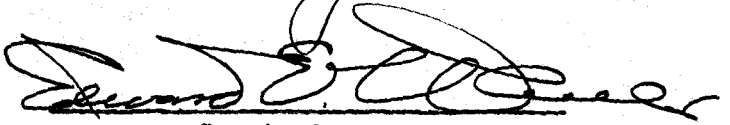
After careful consideration of all the evidence the Commission is of the opinion, and so finds, that the certificate of public convenience and

necessity heretofore issued to respondent in Application No. 956 should be suspended for a period not exceeding one year, and that during said suspension period respondent may reinstate said certificate by filing with the Commission the necessary insurance policy or surety bond required by our Rules and Regulations.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 956, be, and it is hereby, suspended for a period not exceeding one year, and that during said suspension period respondent may reinstate said certificate by filing with the Commission the necessary insurance policy or surety bond as required by our Rules and Regulations.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of October, 1932.

(Decision No. 4651)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JESS KENNER, DOING BUSINESS AS THE )  
WHITE TRUCK LINES, AND WEICKER TRANS- )  
PORTATION COMPANY, A CORPORATION, TO )  
TRANSFER CERTAIN CERTIFICATES OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
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APPLICATION NO. 607-AAAA ✓  
APPLICATION NO. 700-A  
APPLICATION NO. 1589-A

-----  
October 5, 1932.  
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Appearances: J. G. Scott, Esq., Denver, Colorado,  
attorney for applicants.  
Harry S. Glass and Roger Underwood, Esqs.,  
Denver, Colorado, attorneys for  
Colorado Motor Car Company, protestant,

S T A T E M E N T

By the Commission:

Jess Kenner, doing business as The White Truck Lines, seeks authority to transfer to Weicker Transportation Company certain certificates of public convenience and necessity heretofore issued in the above numbered applications.

A contract of sale setting forth the terms of same was made a part of the record in the instant case. It provides briefly that Weicker Transportation Company will take over and operate the certificates now owned by said Jess Kenner, but no equipment is to be transferred. The consideration to be paid is the sum of \$2,000.00, of which amount \$350.00 is to be paid in cash upon approval of the transfer by this Commission, and the balance of \$1650.00 is to be paid to the First National Bank of Trinidad, Colorado, in monthly installments, consisting of two cents per cwt. for all merchandise transported over the lines covered by the said Kenner certificates, until such time as the First National Bank shall have been paid its obligation of \$1650.00, including interest. Said interest payments may make the total consideration exceed the sum of \$2,000.00.

Said contract contains other provisions, one of which provides that Kenner shall perform certain pick-up and delivery service for the Weicker Transportation Company at all points authorized to be served by the Kenner certificates south of Walsenburg, for which service he is to be paid the sum of 9 cents per cwt. for merchandise so picked up and delivered.

The evidence disclosed that in addition to the indebtedness due the First National Bank of Trinidad, the White Truck Line at the time of the hearing was indebted to this Commission in the sum of \$132.71 for highway compensation taxes, and the Weicker Transportation Company agreed to assume full responsibility for the payment of this item.

It was also disclosed that the said Kenner had other indebtedness as follows: \$60.00 due the Silver State Tire Company, and \$494.00 in two items of rent. Outside of the First National Bank indebtedness and the highway compensation taxes, Weicker Transportation Company does not assume to pay any other debts, but Mr. Kenner testified that he would take care of the same personally out of the 9 cents per cwt. that he is to receive for his pick-up and delivery service. However, since said hearing, it has developed that Kenner has other indebtedness which was not specifically mentioned in his testimony, and the Weicker Transportation Company has agreed to pay to the First National Bank of Trinidad, Colorado, as trustee, 25 per cent of the gross revenue due Kenner to be prorated by said bank among his various creditors outside of the indebtedness of the Colorado Motor Company hereinafter mentioned.

In addition to the above indebtedness, it was disclosed that Colorado Motor Car Company has an unsatisfied claim against Mr. Kenner, upon which a balance is due of \$3,757.19, less such sums as may be realized from equipment which this company has repossessed from Kenner. Part of this equipment was repossessed in January, 1932, and part in August, 1932.

The evidence on the part of Colorado Motor/Car Company disclosed that unsold equipment now in their possession was worth between \$1,500 and \$2,000. However, it was brought out that in attempting a negotiation with Weicker Transportation Company for the sale of said Kenner equipment, one of the employees of the Colorado Motor Car Company had furnished Weicker Transportation Company

with a memorandum of said equipment which showed an estimated appraisal value of \$4,000 for same. However, it was also brought out that Colorado Motor Car Company offered to take approximately \$3,000.00 for said Kenner equipment.

It was further disclosed that Kenner had been operating at a loss for some time and that possibly the only way in which this operation could be made a financial success was to operate the same in conjunction with some other line. It would appear to the Commission that \$2,000.00 is a fair price to be paid for the transfer of these certificates.

The position taken by Colorado Motor Car Company is that their indebtedness should be considered in connection with any sale of said certificates. It is impossible, however, for the Commission to determine what, if any, indebtedness still exists from Kenner to Colorado Motor Car Company.

What the equipment now in their possession will bring upon foreclosure of the mortgage which they hold, we are unable to say. It might be possible that a public sale of said equipment should be ordered after due notice and proper advertising, but we realize that equipment of this character would probably not bring as much at a forced sale as could be realized out of private sales that might be made of same by <sup>said</sup> Colorado Motor Car Company.

Some evidence was also introduced at the hearing to the effect that others might be willing to pay more for the Kenner certificates than was offered by the Weicker Company. However, no one has come forward with any better offer. In view of the fact that Mr. Kenner has been operating at a loss and is at present without any equipment with which to conduct his operations and probably without credit whereby said equipment could be replaced, we feel that it is important that a sale of said certificates should be permitted in order to protect the creditors as far as possible, as otherwise it might mean a complete loss of their indebtedness. We do feel, however, that the Colorado <sup>Car</sup> Motor/Company account should be recognized to the extent of at least \$500.00

as the loss which said company will incur upon the Kenner account will no doubt equal or possibly exceed that amount.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that authority should be granted to Jess Kenner, doing business as The White Truck Lines, to transfer to Weicker Transportation Company the certificates of public convenience and necessity heretofore issued in Applications Nos. 607, 700 and 1589, subject to the conditions hereinafter stated.

#### ORDER

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Jess Kenner, doing business as The White Truck Lines, to transfer to Weicker Transportation Company those certain certificates of public convenience and necessity heretofore issued in Applications Nos. 607, 700 and 1589, subject to the following conditions:

(a) The highway compensation taxes amounting to \$132.71 due the Public Utilities Commission by the said Jess Kenner, shall be paid by the transferee to the Commission on or before December 1, 1932.


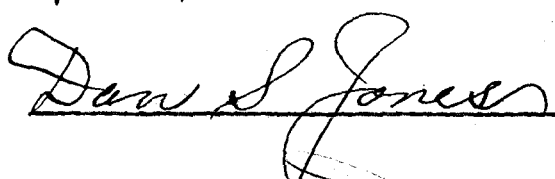
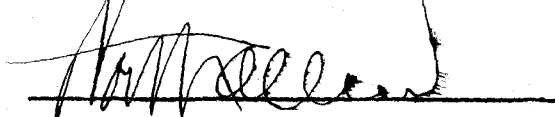
(b) Weicker Transportation Company shall, on or before the 15th day of each and every month, remit to the First National Bank of Trinidad, Colorado, 25 per cent of the gross revenue due to Jess Kenner from said Weicker Transportation Company for any of his operations performed in their behalf, which said amounts shall be prorated by said First National Bank among the various creditors of the said Jess Kenner, outside of the indebtedness of said Bank, in proportion to their respective indebtedness, and in said list of creditors shall be included Colorado Motor Car Company for the sum of \$500.00 and said company shall receive its pro rata share of all disbursements made by said bank, acting as trustee for the creditors of said Kenner.



(c) Said Weicker Transportation Company shall furnish said bank with a list of the creditors of said Jess Kenner and shall furnish this Commission a duplicate copy of same within ten days from the date hereof.

IT IS FURTHER ORDERED, That jurisdiction of this case be, and the same is hereby, retained to the end that such further order or orders may be entered herein as the circumstances of the case may require.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
KENNICOTT-PATTERSON WAREHOUSE ) CASE NO. 953  
CORPORATION, A CORPORATION. )  
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October 4, 1932.  
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Appearances: Dan. A. Maloney, Esq., Denver, Colorado,  
attorney for respondent, Kennicott-  
Patterson Warehouse Corporation;  
J. P. Logan, Esq., Denver, Colorado,  
for Colorado Transfer & Warehousemen's  
Association;  
J. D. Blunt, Esq., Canon City, Colorado,  
attorney for Southwestern Transportation  
Company.

S T A T E M E N T

By the Commission:

An order was made by the Commission, on its own motion, in which it was stated that information had come to the Commission that on or about June 27, 1932, Kennicott-Patterson Warehouse Corporation, respondent in this case had transported a shipment of household goods from Canon City, Colorado, to The Golden Eagle Dry Goods Company, Denver, Colorado, the weight of which goods was some 22,910 pounds, at a rate different and less than that prescribed in its published tariff on file with the Commission.

The order proper provided for an investigation and hearing to determine whether or not said respondent had transported said goods at a rate different and less than its published tariff rates on file with the Commission. It further required said respondent to show cause, if any it had, by written statement to be filed within ten days from the date of the order, why the Commission should not make an order sus-

pending or revoking the certificate of public convenience and necessity heretofore issued to it, and whether or not the Commission should enter an order commanding and directing respondent to charge and collect for the transportation of said goods its published tariff rates for such shipment as filed with the Commission.

The respondent filed a written answer denying that it transported a shipment of household goods from Canon City to said consignee in Denver "as alleged in the statement of this Commission of the above named date and in this proceeding."

The respondent further stated in said answer that the transaction referred to in the order of the Commission, "was a special transaction and involved only the furnishing of special equipment for a special and rare instance and consisted of the requirement that the goods transferred necessitated that the goods all come at the same time and with a great deal more expedition than that afforded by a scheduled carrier; that the goods transported in the said special equipment was not household goods, as is it understood the term household applies in tariffs; that there was no specific rate charged, and the whole transaction was based on the latitude as this respondent understands it was granted to it and about twenty other applicants in certificates of public convenience and necessity granted to cover just such cases of emergency as this particular transaction comes within, the applications referred to being number 1288 to 1310."

The case came on regularly for hearing at which time respondent appeared and in which it participated.

The evidence shows that some second hand and new furniture was transported from Canon City to Denver in motor vehicle equipment owned by the respondent; that the furniture weighed 22,910 pounds, and that the money received by the respondent was \$160.00.

The respondent contended that it rented its equipment and that its compensation was not for transporting the freight but as rental for equipment which it rented for the use by another in said transportation. We are not able to agree with this contention, but we find that respondent was paid a certain amount for transporting said freight, using its equipment and its drivers. To allow a carrier to charge a rate other and different than its published rate and to escape responsibility therefor by saying that it rented its equipment would tend only to nullify the regulation of motor vehicle or common carriers.

It may be stated in passing that while the order to show cause refers to "household goods" and the evidence showed that the freight transported was furniture, it might possibly be contended that there is a variance. However, such contention, if made at all, was not very definitely urged.

Here the gist of the case is that certain freight was transported at rates less than those contained in the respondent's published tariff, which are, of course, the lawful rates as long as the tariff is in force and effect.

The certificate of public convenience and necessity which was issued to the respondent was made a part of the record herein. The certificate authorizes the transportation of freight from point to point "throughout the State of Colorado." However, the certificate was issued subject to the terms and conditions therein stated. One of them reads as follows:

"For the transportation of commodities other than household goods between the 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."

Said condition was in full force and effect at the time the furniture in question moved.

The tariff of respondent effective at the time in question contains a rate of \$52.00 for the first 2000 pounds, \$1.00 per 100 pounds for each additional 100 pounds on household goods. If the freight in question

should properly be classed as household goods the amount which the respondent should have charged for transporting the same from Canon City to Denver is \$261.10.

The respondent had on file no tariff on other commodities. It did, however, have in its tariff the provision with respect to a differential of not less than twenty per cent, as was required in its certificate of public convenience and necessity on all commodities other than household goods.

It was admitted that Southwestern Transportation Company was operating as a scheduled carrier between Canon City and Denver at the time in question. In addition, The Denver and Rio Grande Western Railroad Company was rendering scheduled service between said points.

The tariff of Southwestern Transportation Company was made a part of the record in the case. The tariff of the Rio Grande was not made a part of the record. We are not sure, in view of what we have to say later, that the result would be any different if the Rio Grande's tariff had been introduced in evidence. The freight handled was in our opinion, and should be properly termed, "furniture" and not "household goods". Household goods consist of all sorts of house furnishings, while furniture is merely one item of such goods. This being true, the household goods rate of the respondent would not apply.

If the household goods rate was not applicable, it follows that respondent should charge twenty per cent more than the tariff rates of the Southwestern and the Rio Grande. The Southwestern tariff lists furniture of different classes. The lowest rated class takes a rate which with twenty per cent added amounts to a little less than \$160.00.

While the Commission made the order herein to show cause on its own motion, it was done at the instance and on the informal complaint of the Southwestern. The Southwestern not having introduced any evidence to show what class of furniture the furniture in question was, we are unable to say

that the rate charged by respondent is too low.

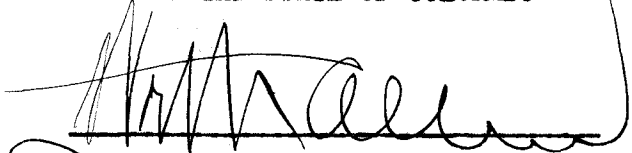
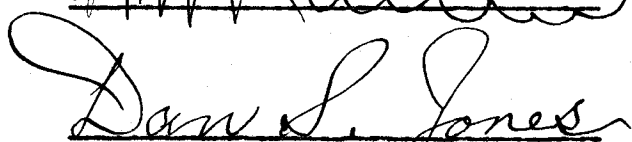
We see open, therefore, no other course than to dismiss the case, as unlawful conduct on the part of the respondent has not been proved, although it is quite possible that proof thereof could be made if evidence were introduced to show what class of furniture respondent transported in the instant case.

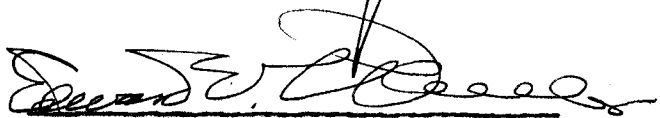
We wish to warn the respondent that this Commission will not tolerate in the future any transportation of freight in violation of its certificate under the guise of renting its equipment. It is in the transportation business and in the transportation of freight it must abide by the law, its certificate and the rules and regulations of this Commission. If it does not properly do so, it must expect a revocation thereof.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 4th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF HIGHWAY LIMITED STAGES FOR  
AUTHORITY TO ASSIGN AND TRANSFER  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY, COLORADO P.U.C. NO.  
650-I, TO OPERATE INTERSTATE SERVICE  
BETWEEN THE EAST COLORADO STATE  
LINE AND DENVER, COLORADO.

APPLICATION NO. 2043-A

-----  
October 8, 1932  
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S T A T E M E N T

By the Commission:

Highway Limited Stages, a partnership composed of H. B. Wagner and J. M. Nolan, and Grandic Stages, Inc., a corporation of the State of Iowa, have filed application with the Commission asking for authority to the former to transfer to the latter that certain certificate of public convenience and necessity heretofore issued by the Commission in Application No. 2043.

Grandic Stages, Inc., has filed its financial statement and is apparently a responsible and reputable concern. As the operations authorized under this certificate are entirely interstate in character, the Commission does not deem it necessary, therefore, to hold a hearing on the present application to transfer. Authority will be granted to make the transfer with the understanding that if any complaint is hereafter made, the applicants will have the burden of proving that the authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Highway Limited Stages, a partnership composed of H. B. Wagner and J. M. Nolan, to transfer to Grandic Stages, Inc., a corporation, that certain certificate of public convenience and necessity heretofore issued by the Commission in Application No. 2043; provided, however, that this order is made subject to the further orders made herein.

IT IS FURTHER ORDERED, That if a protest is made against the transfer of said certificate, the applicants shall have the burden of proving that the transfer thereof should be authorized.

IT IS FURTHER ORDERED, That the transfer herein authorized is subject to transferee obtaining authority to do business within the State of Colorado.

IT IS FURTHER ORDERED, That the transfer herein authorized is subject to and contingent upon the transferee filing the necessary insurance policy or surety bond required by our Rules and Regulations.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones  
Edward V. O'Connell  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of October, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES HETER. )  
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CASE NO. 983

-----  
October 11, 1932.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring the above named respondent to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 856, should not be suspended or revoked for his failure to make monthly reports.

At the hearing, it was disclosed that reports for the months of April to August, 1932, inclusive, had been received and all delinquent taxes had been paid.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that in future he must be more prompt with his reports or the Commission will be compelled to take more drastic action.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward J. C. Deane  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. H. WALKER. )  
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CASE NO. 984

-----  
October 11, 1932.  
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Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to make monthly reports and file the necessary insurance policy or surety bond required by law.

At the hearing, it was disclosed that no reports have been received from respondent for the months of May to August, 1932, inclusive, and also that respondent has failed to file an insurance policy or surety bond as required by our rules and regulations. It was further disclosed that the notice mailed to respondent at the address furnished the Commission, had been returned unclaimed, and nothing has been heard from said respondent as to the reason for his delinquencies in the above matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to respondent in Application No. 865 should be revoked for his failure to make monthly reports and file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to said respondent, W. H. Walker, be, and the

same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. O'Connor  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE EXCEPTIONS TO CLASSIFICATION )  
INTRASTATE IN THAT PART OF COLORADO ) INVESTIGATION AND SUSPENSION  
KNOWN AS WESTERN TRUNK LINE TERRI- ) DOCKET NO. 188  
TORY. )  
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-----  
October 17, 1932.  
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S T A T E M E N T

By the Commission:

By schedules duly filed to become effective on the 20th day of June, 1932, respondents, The Atchison, Topeka and Santa Fe Railway Company; Chicago, Burlington & Quincy Railroad Company; The Chicago, Rock Island and Pacific Railway Company; The Colorado and Southern Railway Company; The Denver and Rio Grande Western Railroad Company; Missouri Pacific Railroad Company; Union Pacific Railroad Company, and E. B. Boyd, Agent, Western Trunk Lines, proposed new individual rates and charges and new individual regulations and practices affecting such rates and charges, which apparently had the effect of increasing certain rates in intrastate transportation.

The Commission, upon its own motion, suspended operation of the said schedules until the 18th day of October, 1932.

On August 30, 1932, this Commission received a petition from The Colorado and Southern Railway Company on behalf of all Colorado carriers involved in this proceeding, requesting that same be vacated without hearing and in support of such request presented the following facts:

"I. & S. Docket No. 188 involves exceptions to the classification applicable in connection with class rates in effect prior to June 20th, 1932, and which the carriers did not, in all cases, propose to continue in connection with the new class rates established on that date. By referring to W. T. L. Circular No. 17-G, Agent E. B. Boyd's Colorado P.U.C. No. 55, it will be noted that a number of these exceptions have already been reproduced therein for application in connection with the new class rates. For example, the exception authorizing second class rating on pipe or culverts, L.C.L., and that authorizing first class rating on mattresses, L.C.L., have been reproduced in this circular, together with a number of other important exceptions. In addition, Colorado Carriers have agreed to the publication of certain other exceptions which are desired by shippers

and Agent Boyd has been instructed to make this publication as shown on copy of letter and statement attached hereto.

"The carriers have made an investigation, and the exceptions now carried in Circular 17-G, together with those which Agent Boyd has been instructed to publish, are all which they have been able to find are desired by the shippers. Carriers have also indicated their willingness to give favorable consideration to the reestablishment of other exceptions should it be found later that there is any need for them.

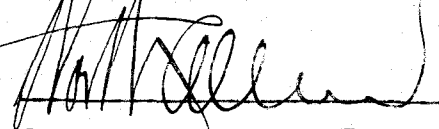
"In view of the facts set forth herein, the Colorado Carriers feel that I. & S. Docket No. 188 has been completely satisfied and should, therefore, be vacated without hearing. This action will result only in the cancellation of exceptions for which the carriers have been unable to develop any present need and which, therefore, should be eliminated as a matter of tariff simplification."

The additional exceptions referred to in the above quoted letter have now been published to become effective October 18, 1932, in Supplement No. 100 to Boyd's Circular No. 17-G, Colo. P.U.C. No. 55, which apparently will take care of the shipping needs of the public, insofar as classification exceptions are required thereby eliminating the cause of action in this proceeding.

O R D E R

IT IS THEREFORE ORDERED, That the order heretofore entered in this proceeding suspending the operation of the said schedules be, and it is hereby, vacated and set aside as of October 17, 1932, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Sam L. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHESTER I. MEAD. )  
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CASE NO. 980

-----  
October 11, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 14, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be revoked for his failure to make monthly reports and to file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing, it was disclosed that respondent had failed to file monthly reports for March, July, August and December, 1931, and for January, February, March, July and August, 1932, and had also failed to file any insurance policy or surety bond as required by law.

Although due notice of said hearing was served upon respondent, the Commission has received no communication from him to explain his delinquencies in the above matters.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to Chester I. Mead in Application No. 1685, should be revoked for his failure to make monthly reports and file the necessary insurance policy or surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience

heretofore issued to respondent, Chester I. Mead, in Application No. 1685  
be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. Deane  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
UNION TRUCK LINE, INC. )

CASE NO. 981

-----  
October 11, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 14, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to it, should not be suspended or revoked for its failure to make monthly reports and to file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing, the evidence disclosed that no reports had been received from respondent since February, 1931. The evidence further disclosed that respondent has failed to file an insurance policy or surety bond as required by law. No explanation has been received from respondent in connection with the above delinquencies.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent, Union Truck Line, Inc., in Application No. 1641, should be revoked for its failure to make monthly reports and to file the necessary insurance required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Union Truck Line, Inc., in Application No. 1641, be, and the same is hereby revoked.

Dated at Denver, Colorado,  
this 11th day of October, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Sam S. Jones*  
*Edward E. L. [Signature]*  
Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JACKSON TRANSFER AND STORAGE. )  
-----

CASE NO. 989

-----  
October 11, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring Ronald M. Jackson, doing business as Jackson Transfer and Storage, to show cause by the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary cargo insurance required by our rules and regulations.

At the hearing, it was disclosed that all delinquent monthly reports had been received, that the highway compensation taxes for the month of June, 1932, had been paid, and also that respondent had filed the required cargo insurance.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that in future he must be more prompt in connection with the requirements of the Commission, or we shall be compelled to take more drastic action.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. C. C. C.  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
THE INTER CITY TRUCK LINE. )

CASE NO. 990

-----  
October 11, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission,

STATEMENT

By the Commission:

On September 15, 1932, the Commission entered its order requiring the respondent, E. V. Morrison, doing business as The Inter City Truck Line, to show cause why the certificates of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to make monthly reports, pay highway compensation taxes, and file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing, it was disclosed that respondent had failed to file monthly reports for the months of March, July and August, 1932, and that highway compensation taxes for the months of November and December, 1931, and January, February, April, May and June, 1932, in the sum of \$84.79 were unpaid. It was further disclosed that respondent had failed to file any insurance policy or surety bond as required by law. No explanation has been received from respondent in connection with his delinquencies in the above matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificates of public convenience and necessity, heretofore issued to E. V. Morrison, doing business as The Inter City Truck Line, in Application No. 1211, should be revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond as required by law.

**ORDER**

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to E. V. Morrison, doing business as The Inter City Truck Line, in Application No. 1111, be, and the same is hereby, revoked.

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

DAN S. JONES

(S E A L)

EDWARD E. WHEELER

**Commissioners.**

Dated at Denver, Colorado,  
this 11th day of October, 1932.

ATTEST: A TRUE COPY.

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RAYMER TRANSPORTATION COMPANY. )  
-----

CASE NO. 991

-----  
October 11, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring the above named respondent to show cause why its certificate of public convenience and necessity, heretofore issued to it, should not be suspended or revoked for its failure to make monthly reports and file the necessary insurance policy or surety bond as required by our rules and regulations.

At the hearing, it was disclosed that respondent had failed to make monthly reports for the months November and December, 1931, and January, 1932, to August, 1932, both inclusive. The evidence further disclosed that respondent had failed to file any insurance policy or surety bond as required by law. Although due notice of said hearing was served upon respondent, no communication has been received from it to explain its delinquencies in the above matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to Ed Ficken, William H. Ficken and M. A. Dounay, doing business as Raymer Transportation Company, in Application No. 1259, should be revoked for their failure to make monthly reports and file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience

and necessity, heretofore issued in Application No. 1259 to Ed Ficken,  
William H. Ficken and M. A. Dounay, doing business as Raymer Transportation  
Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward V. Deery  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLARENCE WHITAKER. ) CASE NO. 992

-----  
October 11, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing, it was disclosed that respondent has failed to file monthly reports for the months October, 1931, to August, 1932, inclusive, and has also failed to pay highway compensation taxes for the months of January, February, March, April and May, 1930, and August and September, 1931, in the total sum of \$34.71. The evidence further disclosed that respondent has failed to file any insurance policy or surety bond as required by law. Although due notice of said hearing was served upon respondent, no communication has been received from him explaining his delinquencies in the above matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to respondent, Clarence Whitaker, in Application No. 1213, should be revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to respondent Clarence Whitaker in Application No. 1213, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Sam S. Jones*

*Edward J. [unclear]*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of October, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JESS WILSON AND H. O. WILSON, ) CASE NO. 993  
DOING BUSINESS AS WILSON BROTHERS. )  
-----

-----  
October 11, 1932.  
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Appearances: E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring the respondents to show cause why the certificate of public convenience and necessity heretofore issued to them should not be suspended or revoked for their failure to file monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond as required by our rules and regulations.

At the hearing, it was disclosed that respondents had failed to file monthly reports for the months of June, July and August, 1932, and that highway compensation taxes were unpaid for the months of March, April and May, 1932, in the sum of \$19.27, and also that respondents have failed to file any insurance policy or surety bond as required by law. Although due notice of said hearing was served upon respondents, no communication has been received from them to explain their delinquencies in the above matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondents, Jess Wilson and H. O. Wilson, doing business as Wilson Brothers, in Application No. 1751, should be revoked for their failure to file monthly reports, pay highway compensation



taxes and file the necessary insurance policy or surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Jess Wilson and H. O. Wilson, doing business as Wilson Brothers, in Application No. 1751, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward W. Chandler  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EVERETT RAILSBACK )  
-----

PERMIT NO. A-326

-----  
October 13, 1932.  
-----

S T A T E M E N T

By the Commission:

The Commission has been advised by the auditing department that the above named Everett Railsback has requested in writing that his private permit be cancelled, as he has ceased operations. Our records show that all outstanding taxes against this operator have been paid, and that his reports have all been filed.

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

O R D E R

IT IS THEREFORE ORDERED, That private permit No. 326-A, heretofore issued to Everett Railsback, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward J. O'Connell  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. L. McMICHAEL. ) CASE NO. 986  
----- )

-----  
October 13, 1932.  
-----

Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring the respondent to show cause why the certificate of public convenience and necessity heretofore issued to him, should not be suspended or revoked by reason of his failure to make monthly reports and file the necessary insurance policy or surety bond as required by law.

At the hearing, it was disclosed that respondent has failed to file his reports for the months of March to August, 1932, both inclusive, and has failed to file any insurance policy or surety bond as required by our Rules and Regulations.

Although due notice of said hearing was served upon respondent, no communication has been received from him as to the reason for his delinquencies in said matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to respondent in Application No. 1586 should be revoked for his failure to make monthly reports and file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to L. L. McMichael, respondent herein, in Appli-

cation No. 1586, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward W. Decker  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES J. LENT, DOING BUSINESS ) CASE NO. 994  
AS DIAMOND L STAGES. )  
-----

-----  
October 13, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him, should not be suspended or revoked for his failure to file monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing, it was disclosed that respondent has failed to make monthly reports for the months of November, 1931, to August, 1932, inclusive, that highway compensation taxes for the month of October, 1931, in the amount of \$2.64 were unpaid, and also that respondent had failed to file any insurance policy or surety bond as required by law. No communication has been received from respondent in explanation of his delinquencies in the above matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued in Application No. 1915 to James J. Lent, doing business as Diamond L Stages, should be revoked for his failure to file monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience

and necessity, heretofore issued in Application No. 1915 to James J. Lent,  
doing business as Diamond L Stages, be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward J. McQuinn

Commissioners.

Dated at Denver, Colorado,  
this 13th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE W-W REFRIGERATOR TRUCK COMPANY. )  
-----

CASE NO. 995

-----  
October 13, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 15, 1932, the Commission entered its order requiring H. E. Weigand, doing business as The W-W Refrigerator Truck Company, to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to file monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing it was disclosed that respondent had failed to file monthly reports for the months March to August, 1932, inclusive, and had failed to pay highway compensation taxes for the months of November, 1931, and February, 1932, in the sum of \$19.61; also that respondent has failed to file any insurance policy or surety bond as required by law.

No communication has been received from respondent explaining his delinquencies in the above matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to H. E. Weigand, doing business as The W-W Refrigerator Truck Company, in Application No. 1914, should be revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience

and necessity, heretofore issued in Application No. 1914 to H. E. Weigand,  
doing business as The W-W Refrigerator Truck Company, be, and the same  
is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. Wheeler  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of October, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LUTHER C. JOHNSON. )  
----- )

CASE NO. 998

-----  
October 13, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 16, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to make monthly reports and to file the necessary insurance policy or surety bond as required by our rules and regulations.

At the hearing the evidence disclosed that respondent has failed to make monthly reports for the months of May, June, July and August, 1932, and has also failed to file any insurance policy or surety bond as required by our rules and regulations.

It was further disclosed that respondent is a seasonal sightseeing operator in the Colorado Springs district and conducted no operation during the years 1929, 1930 and 1931. Since the issuance of the order, a letter has been received from respondent to the effect that he did not operate during the present year due to poor health. Due to the facts set forth in this communication, the Commission feels that respondent's certificate should not be revoked at the present time, but he must realize that before he can resume operations, he must file the necessary insurance policy or surety bond required by our rules and regulations.

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

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby,  
dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan L. Jones

Edward E. C. Deane  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of October, 1932.

\* \* \* \*

CASE NO. 999

October 13, 1932.

S T A T E M E N T

On September 16, the Commission issued its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to her should not be suspended or revoked for her failure to make monthly reports and file the necessary insurance policy or surety bond required by our rules and regulations.

Since the issuance of said order, we have received a communication from respondent to the effect that she did not operate during the season of 1932, due to the fact that there was no tourist business. Respondent is a seasonal sightseeing operator in the Manitou district, and in view of the matters set forth in her communication, we feel that her certificate should not be suspended or revoked at the present time.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with the distinct understanding, however, that before respondent resumes operations, she must file with the Commission the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same

is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward E. Decker

Commissioners.

Dated at Denver, Colorado,  
this 13th day of

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. L. SCHWARTZ. )  
-----

CASE NO. 1000

-----  
October 13, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 16, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to make monthly reports and file the necessary insurance policy or surety bond required by our rules and regulations.

The evidence disclosed that no reports have been received for the months of May, June, July and August, 1932, and that no insurance policy or surety bond has been filed.

Respondent is a seasonal sightseeing operator in the Colorado Springs district and operated during the months of June and July, 1931, but the Commission has never been advised whether or not he has been operating during the present season. No appearance was made by respondent at the hearing and no communication has been received from him relative to his delinquencies in the above matters.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent L. L. Schwartz in Application No. 653, should be revoked for his failure to make monthly reports and file the necessary insurance policy or surety bond required by our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 653 to respondent L. L. Schwartz,

be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan L. Jones

Edward V. O'Connell  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
OTTO'S SCENIC COMPANY. )  
-----

CASE NO. 1061

-----  
October 13, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 16, 1932, the Commission issued its order requiring respondent to show cause why the certificate of public convenience and necessity heretofore issued to it should not be suspended or revoked for its failure to make monthly reports and file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing, it was disclosed that respondent is a seasonal sightseeing operator in the Colorado Springs district. Said respondent has filed with the Commission an affidavit to the effect that it did not operate during the present season due to the fact that there was no tourist business. In view of the contents of this affidavit, the Commission feels that respondent's certificate should not be revoked at the present time.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the instant case should be dismissed with the distinct understanding, however, that before respondent resumes operations it must file with the Commission the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

Dated at Denver, Colorado,  
this 13th day of October, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

David L. Jones  
Edward E. C. Decker  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRANK W. HOEPNER. )  
-----

CASE NO. 1003

-----  
October 13, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 16, 1932, the Commission issued its order requiring respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to make monthly reports and file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing it was disclosed that respondent has failed to make monthly reports for the months of May, June, July and August, 1932, and also has failed to file any insurance policy or surety bond as required by law.

It was further disclosed that respondent is a seasonal operator. The last insurance policy filed by him expired in 1930, but he did not conduct any operations during the year 1931. The Commission has not been advised as to whether he operated during the present season. No communication has been received from respondent to explain his delinquencies in the above matters.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to Frank W. Hoepner in Application No. 664, should be revoked for his failure to make monthly reports and file the necessary insurance policy or surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience



and necessity, heretofore issued to respondent Frank W. Hoepner in Application No. 664, be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dan S. Jones

Edward V. Lee  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TRIANGLE TRUCK SERVICE COMPANY,) )  
INC., A CORPORATION. )

CASE NO. 1031

-----  
October 18, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 20, 1932, the Commission entered its order requiring respondent to show cause why the certificate of public convenience and necessity heretofore issued to it should not be suspended or revoked for its failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by our rules and regulations.

The evidence disclosed that subsequent to the issuance of said order, respondent filed his August, 1932, report and has also paid all outstanding highway compensation taxes. It was further disclosed that the necessary insurance policies required by our rules and regulations had been filed by respondent.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that in the future it must be more prompt in making its reports and paying its taxes or the Commission will be compelled to take more drastic action.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

Dated at Denver, Colorado,  
this 18th day of October, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. F. ENRIGHT, DOING BUSINESS AS )  
ENRIGHT SCENIC TOURS. )  
-----

CASE NO. 1033

-----  
October 18, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 20, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance required by our rules and regulations.

The evidence disclosed that subsequent to the issuance of said order, the respondent filed his August, 1932, report and has paid all highway compensation taxes due.

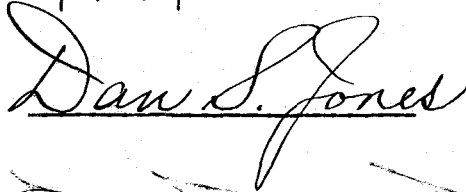
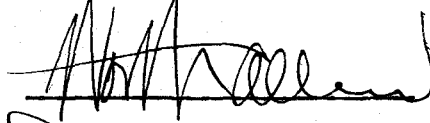
It was further disclosed that the insurance which respondent had on file with the Commission expired September 12, 1931, and has never been renewed. The respondent is a seasonal sightseeing operator located at Boulder, Colorado, and has advised the Commission that he made arrangements to have his 1932 insurance filed with the Commission. In view of the fact that his operations for this year are over, we believe that the instant case should be dismissed with the understanding that proper insurance must be on file with the Commission before respondent resumes operations for the 1933 season.

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

ORDER

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of October, 1932.

(Decision No. 4675)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. V. McKAUGHAN. )

CASE NO. 954

\* \* \* \* \*

- - - - -  
- October 18, 1932.  
- - - - -

S T A T E M E N T

By the Commission:

On August 27, 1932, the Commission made a finding that the respondent, W. V. McKaughan, was then operating as a motor vehicle or common carrier as defined by law. Further, said decision contained an order to cease and desist from so operating.

We further ordered, "that unless compliance is made with this order, this case will be reopened with a view to revoking and cancelling the private permit No. A-304, now held by said McKaughan."

Information has now come to the Commission that said respondent has not complied with the order of the Commission, although said order of August 27 is, as we now find, in full force and effect.

The Commission is therefore, of the opinion, and so finds, that this case should be reopened for the purpose of determining whether or not said respondent, McKaughan, has ceased and desisted since the effective date of said order from operating as a motor vehicle or common carrier as defined by law, and for such action with respect to suspension or revocation of his said private permit No. A-304, as may be proper.

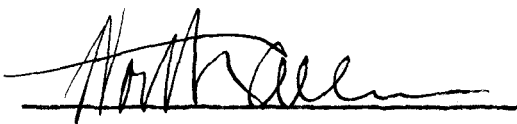
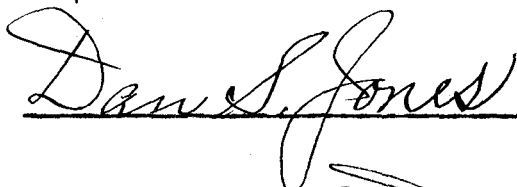
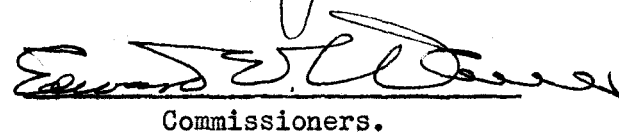
O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, reopened for the purpose of holding a hearing to determine whether the said McKaughan has ceased and desisted from operating as a motor vehicle carrier

since the effective date of said order of August 27, 1932, and for the purpose of making such other order or orders as may be proper if it should be ascertained that he has not so ceased and desisted from so operating.

IT IS FURTHER ORDERED, That this case be, and the same is hereby, set for hearing on November 10, 1932, at 10:00 o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "Arthur H. Hall", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Dan S. Jones", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Edward J. O'Brien", written over a horizontal line.  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of October, 1932

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
N. PINKERTON AND A. E. EUGENHAGEN, )  
OPERATING UNDER THE NAME AND STYLE )  
OF WESTERN FILM DELIVERY, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE A SYSTEM OF )  
MOTOR VEHICLE SERVICE BETWEEN THE )  
FOLLOWING COLORADO POINTS: DENVER, )  
FORT MORGAN, BRUSH, STERLING, )  
JULESBURG, HOLYOKE, HAXTUN, FLEMING, )  
WRAY, YUMA AND AKRON. )  
-----

APPLICATION NO. 2044

-----  
October 15, 1932.  
-----

S T A T E M E N T

By the Commission:

On August 27, 1932, the Commission entered its order granting applicants authority to transport motion picture films, motion picture advertising and emergency equipment for projection machines, between certain Colorado points. Thereafter, on October 6, 1932, the Union Pacific Railroad Company, Chicago, Burlington & Quincy Railroad Company and Railway Express Agency, Inc., filed their petition for rehearing.

After a careful consideration of the allegations contained in said petition for rehearing, the Commission is of the opinion, and so finds, that said petition should be denied.

O R D E R

IT IS THEREFORE ORDERED, That said petition for rehearing be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dana L. Jones

Samuel J. O'Connell  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BLAIR MILLER FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
OPERATE A MOTOR FREIGHT SERVICE BE- )  
TWEEN DENVER, COLORADO, AND SEIBERT, )  
VONA, STRATTON, BETHUNE AND BURLINGTON, )  
COLORADO, AND THE TERRITORY WITHIN A )  
RADIUS OF TWENTY MILES OF BURLINGTON. )  
-----

APPLICATION NO. 2033 ✓

IN THE MATTER OF THE APPLICATION OF )  
MYRON L. PALMER AND H. BROWN CANNON )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE A MOTOR FREIGHT )  
SERVICE BETWEEN DENVER, COLORADO, AND )  
SEIBERT, VONA, STRATTON, BETHUNE AND )  
BURLINGTON, COLORADO, AND THE TERRITORY )  
WITHIN A RADIUS OF TWENTY MILES OF )  
BURLINGTON, COLORADO. )  
-----

APPLICATION NO. 2037

-----  
October 18, 1932.  
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S T A T E M E N T

By the Commission:

On July 8, 1932, the Commission entered its order in the above entitled applications. Thereafter, the applicants Myron L. Palmer and H. Brown Cannon filed their application for a rehearing.

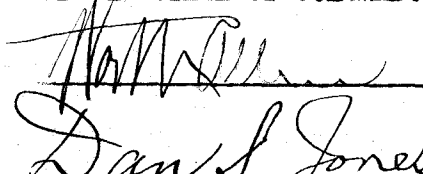
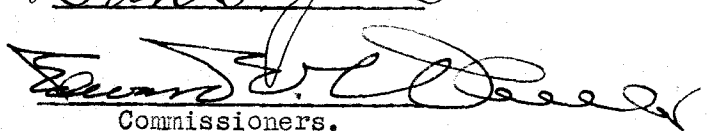
After a careful consideration of the matters set forth in said application for rehearing, the Commission is of the opinion, and so finds, that no good purpose would be served by granting the same, and that said application for rehearing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That said application for rehearing be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 18th day of October, 1932.

  
Dan S. Jones  
  
Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS )  
OF LEWIS LITTLE. )

CASE NO. 1065.

October 18, 1932

S T A T E M E N T

By the Commission:

Information has come to the Commission that Lewis Little, respondent, now is, and for some time in the past has been, operating a motor vehicle in the business of transporting property for compensation over the public highways of the state of Colorado and that he has not obtained a certificate of public convenience and necessity, as required by Chapter 134, S.L. 1927, or a permit, as required by Chapter 120, S. L. 1931.

The Commission is of the opinion and so finds that an investigation and hearing should be entered into to determine whether or not said respondent is operating as a motor vehicle carrier and/ or as a private carrier without the prerequisite of authority from this Commission.

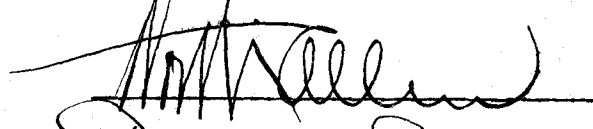
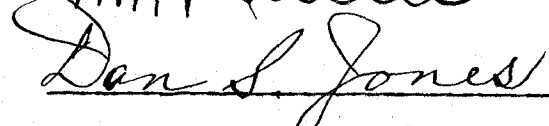
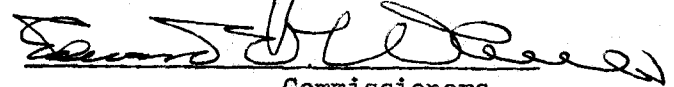
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not Lewis Little, respondent, now is, or in the past has been, operating as a motor vehicle carrier, as defined in Section 1 (d), Chapter 134, S. L. 1927 as amended, and/or a private carrier, as defined in Section 1 (h), Chapter 120, S. L. 1931, without a certificate of public convenience and necessity and/or a private permit as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with this Commission within ten days from this date, why it should not enter an order requiring him to cease and desist from operating as a motor vehicle carrier and/or a private carrier unless and until he shall have obtained the proper authority therefor.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on November 10, 1932, at 10:00 A.M., at which time and place such evidence will be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALVIN L. MUSSER. )  
-----

CASE NO. 968

-----  
October 18, 1932  
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Appearances: Nathan H. Creamer, Esq., Denver, Colorado,  
attorney for respondent;  
Colin A. Smith, Esq., Denver, Colorado,  
Assistant Attorney General;  
Otto Bock, Esq., Denver, Colorado,  
attorney for complainant.

S T A T E M E N T

By the Commission:

An order was made requiring respondent, Alvin L. Musser, to show cause why he should not be required to cease and desist from operating as a motor vehicle carrier unless and until he procured a certificate of public convenience and necessity.

At the hearing, the evidence disclosed that said respondent was operating under and by virtue of a private permit No. A-377 heretofore issued to him by this Commission.

Respondent testified that he was serving 13 shippers in the transportation of milk for hire. His deliveries are confined to two dairies. Said dairies settle with respondent for his transportation charges, but deduct same from shippers' checks. Respondent owns a one and one-half ton Chevrolet truck and has been serving approximately the same customers for a period of about eight years.

Our Decision No. 4407 in Case No. 913 was made a part of the record in the instant case. Said decision discloses that on June 29, 1932, we ordered respondent to cease and desist from operating as a motor vehicle carrier, and that his operations at said time were practically the same as the record in the instant case discloses.

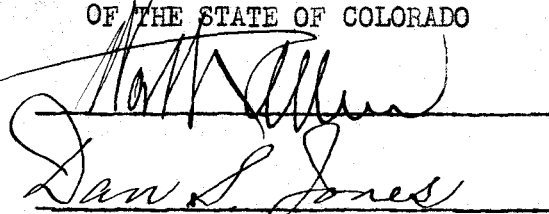

In conformity with our decision in said Case No. 913, as well as in accord with our views in the matter of the motor vehicle operations of Carl Peter Schwab in Case No. 914 and in Cases Nos. 886, 887 and 888, in the matter of the motor vehicle operations of Earl Cain, W. J. DuRay and Edgar Batchelor, we must determine in the instant case that respondent is operating as a motor vehicle carrier.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that said respondent, Alvin L. Musser, is operating as a common carrier as defined by statute without a certificate of public convenience and necessity.

O R D E R

IT IS THEREFORE ORDERED, That respondent Alvin L. Musser cease and desist from operating as a motor vehicle carrier unless and until he shall have procured a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Dan S. Jones  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS )  
OF O. L. McKAY. )

CASE NO. 915

-----  
October 18, 1932  
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S T A T E M E N T

By the Commission:

Since the decision of the Commission was made herein, a petition for rehearing has been filed. The same has been carefully considered by the Commission, and we appreciate that some of the points raised in said petition have considerable merit. We are still of the opinion, however, that under the record in the instant case, respondent was acting as a motor vehicle or common carrier under the Act of 1931.

The question of whether the Act of 1931 makes motor vehicle or common carriers out of those who were not such prior to its passage, and whether the Act is, therefore, unconstitutional, is a question which we as an administrative body are required to leave to the courts for decision, as we are bound by the presumption that a statute is constitutional until otherwise declared by a court of competent jurisdiction. Re Maynard Barney, doing business under the name of Barney Transportation Company, P.U.R. 1932A, 241; 51 C. J., 40, Note 66.

In said petition for rehearing, it is stated "In this connection we might mention that the respondent in this case has definitely limited his contracts to the following concerns." Then follow the names of six firms, two of whom are located in Denver, one at Brighton and three at Sterling. The Commission is further asked to set forth whether by so restricting himself, the respondent will be complying with our order requiring him to cease and desist operating as a common carrier.

In conformity with this request, we might state that if respondent does restrict himself and limit his customers to the number specified in said petition for rehearing, we would be of the opinion that his operations would be those of a private carrier.

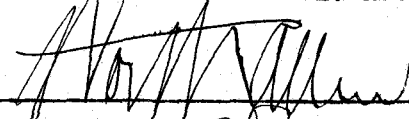
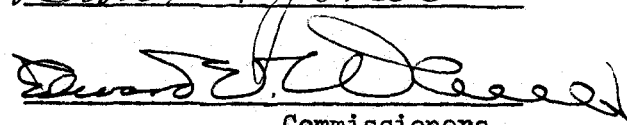
The questions raised by this petition for rehearing are those upon which the Commission itself would be glad to have some judicial determination by the courts of this State. No rule is laid down in the recent decisions of the Supreme Court in the case of Burbridge vs. Public Utilities Commission and the State of Colorado, et al., by which we can determine under what conditions one operating a motor vehicle carrier for hire is a common carrier, and a judicial review of the issues involved in this case might be beneficial in establishing some specific principles of law in this connection.

After careful consideration of the petition for rehearing, we are of the opinion, and so find, that the same should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed herein be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Daniel S. Jones  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
N. PINKERTON AND A. E. BUGENHAGEN, )  
OPERATING UNDER THE NAME AND STYLE )  
OF WESTERN FILM DELIVERY, AND EXHIBIT- )  
ORS FILM DELIVERY AND SERVICE COMPANY, )  
A CORPORATION, FOR TRANSFER OF CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND NECES- )  
SITY. )

APPLICATION NO. 2044-A

-----  
October 18, 1932  
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Appearances: Duke Dunbar, Esq., Denver, Colorado,  
attorney for applicants;  
E. G. Knowles, Esq., Denver, Colorado,  
attorney for Union Pacific Railroad  
Company, Chicago, Burlington & Quincy  
Railroad Company and Railway Express  
Agency, Inc.

S T A T E M E N T

By the Commission:

N. Pinkerton and A. E. Bugenhagen, doing business under the name and style of Western Film Delivery, seek authority to transfer to Exhibitors Film Delivery and Service Company, a Colorado corporation, that certain certificate of public convenience and necessity heretofore issued to said Western Film Delivery on August 27, 1932, in Application No. 2044.

The evidence disclosed that Exhibitors Film Delivery and Service Company is already engaged in a similar transportation service between other towns in Colorado. Its financial condition was established to the satisfaction of the Commission, and said company has ample equipment to properly take care of the business. The consideration to be paid for the transfer of the certificate is \$150.00, and no equipment is being transferred. No indebtedness exists against the operation of the transferor.

Union Pacific Railroad Company, Chicago, Burlington & Quincy Railroad Company and Railway Express Agency, Inc., protested against the granting of the transfer upon the grounds that the transferor had never commenced operations under the certificate granted it on August 27, 1932, and that it was merely an attempt on the part of transferor to commercialize the action of the Commission in granting said certificate. It was further alleged that a petition for rehearing was still pending in relation to the granting of the original certificate.

It is true that transferor admitted that said company had not commenced operations under said certificate, but in explanation of its failure so to do stated that shortly after said certificate had been granted, negotiations had been commenced with transferee for the sale of same, and for that reason its operations had been delayed. The application for the transfer was filed with the Commission approximately thirty days after the granting of the original certificate, and we do not believe the record justifies the inference that any attempt is being made to unnecessarily commercialize the issuance of the original certificate.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that authority should be granted to make the transfer as requested.

#### O R D E R

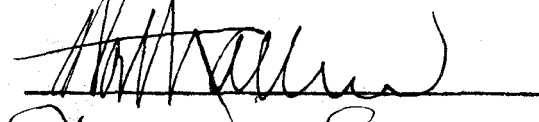
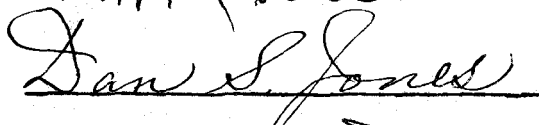
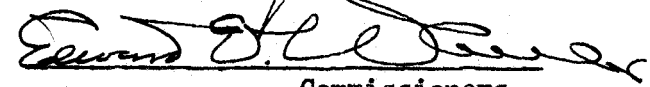
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to N. Pinkerton and A. E. Bugenhagen, doing business as Western Film Delivery, to transfer to Exhibitors Film Delivery and Service Company, a corporation, that certain certificate of public convenience and necessity heretofore issued to transferor in Application No. 2044.

IT IS FURTHER ORDERED, That the tariff of rates, time schedule and rules and regulations heretofore filed by the transferor herein shall become



and remain those of the transferee until changed according to law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
O. T. HORN. )  
-----

CASE NO. 1059

-----  
October 25, 1932.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On October 3, 1932, the Commission entered its order in the above entitled matter requiring respondent to show cause why private permit No. A-343, heretofore issued to him, should not be suspended or revoked for his failure to make monthly reports and pay highway compensation taxes.

The evidence disclosed that subsequent to the date of said order but prior to the hearing thereon, respondent had filed all delinquent monthly reports, including the month of September, 1932, and had also paid all delinquent highway compensation taxes.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that in the future he must be more prompt in filing his reports and in the payment of his taxes, or the Commission will be compelled to take more drastic action.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

Dated at Denver, Colorado,  
this 25th day of October, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*W. H. Allen*  
*San S. Jones*

*W. H. Allen*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. H. KLEIN. )

CASE NO. 1054

-----  
October 25, 1932.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On October 3, 1932, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-214, heretofore issued to him, should not be suspended or revoked for his failure to make monthly reports and pay highway compensation taxes.

The evidence disclosed that no reports had been received from respondent for the months of May, July and August, 1932, and that highway compensation taxes for the month of June, 1932, in the sum of \$5.34 are unpaid.

The Commission is in receipt of a letter from respondent advising us that he had not been operating for some three months and did not intend to operate again and that his permit could be cancelled as he had no further use for same.

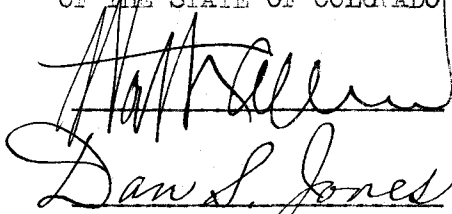
After careful consideration of the record the Commission is of the opinion, and so finds that private permit No. A-214, heretofore issued to respondent J. H. Klein, should be cancelled upon his own request as well as for the delinquencies above set forth.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A.214, heretofore issued to respondent, J. H. Klein, be, and the same is hereby,

cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of October, 1932.

(Decision No. 4684)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF G. O. ANDERSON FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY. )  
-----

APPLICATION NO. 1981 ✓

IN THE MATTER OF THE APPLICATION OF )  
L. V. ROPER, DOING BUSINESS AS CAS- )  
TLE ROCK TRUCK LINE, FOR A CERTIFI- )  
GATE OF PUBLIC CONVENIENCE AND )  
NECESSITY. )  
-----

APPLICATION NO. 1987

-----  
October 26, 1932.  
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S T A T E M E N T

By the Commission:

The decision of the Commission in the above entitled applications was made on August 27, 1932. Since then said G. O. Anderson has filed an application "for instructions and to modify decision". The said L. V. Roper has filed his application for a rehearing.

We have carefully considered both applications and are of the opinion, and so find, that each of them should be denied.

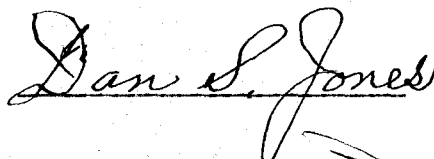
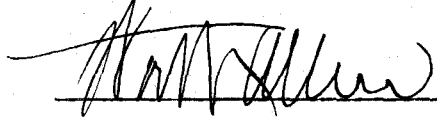
Considerable question has arisen in the minds of the Commissioners whether or not the said Anderson in transporting freight, as we are advised he is, for a large number of merchants in Castle Rock, and possibly for other customers, is violating the law, even though he has a private motor vehicle permit. We are, therefore, making an order in a separate case providing for an investigation of this question.

O R D E R

IT IS THEREFORE ORDERED, That each of the applications filed herein for rehearing, one filed by G. O. Anderson in Application No. 1981, the other by L. V. Roper in Application No. 1987, be, and the same are

hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EARL GAIN. )  
-----

CASE NO. 886 ✓

RE MOTOR VEHICLE OPERATIONS OF )  
W. J. DuRAY. )  
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CASE NO. 887

RE MOTOR VEHICLE OPERATIONS OF )  
EDGAR BATCHELOR. )  
-----

CASE NO. 888

-----  
October 26, 1932  
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S T A T E M E N T

By the Commission:

An application for a further stay in the above entitled cases has been made.

In support of said application it is alleged that A. M. DuRay has filed an application for authority to render truck service now being performed by the above named respondents, and that the business as now conducted cannot be interrupted for a single day without irreparable loss and damage to said The Colorado Dairyman's Cooperative, Inc.

While ordinarily the Commission does not extend a stay in cases of this sort until some application for a certificate can be acted upon, in this case we are dealing with a cooperative association organized and operating for the benefit of a large group of farmers.

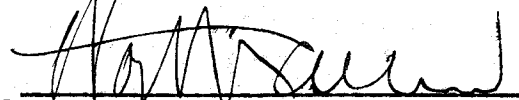
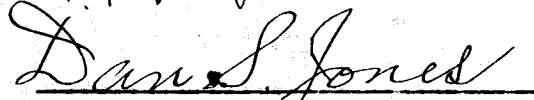
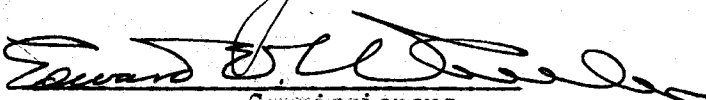
After careful consideration of the application, we are of the opinion, and so find, that an additional stay should be granted herein until the Commission can act upon the said application of A. M. DuRay. We have set said application for hearing on November 16, 1932.

The Commission is of the further opinion, and so finds, that an additional stay should be granted herein until November 25, 1932.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission made on May 14, 1932, in the above entitled cases, and the operation thereof, be, and the same is hereby, further stayed until November 25, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of October, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
A. L. LEVY, DOING BUSINESS AS LEVY'S ) CASE NO. 1030  
TRANSFER AND STORAGE COMPANY. )  
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-----  
October 28, 1932.  
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Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 20, 1932, the Commission entered its order in the above entitled case, requiring respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked on account of his failure to make monthly reports, pay highway compensation taxes, and file the necessary insurance policy or surety bond required by law.

At the hearing, it was disclosed that subsequent to the issuance of said order, respondent filed all monthly reports, paid all delinquent highway compensation taxes, and has also filed the necessary insurance policy required by our rules and regulations.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that in future he must be more prompt in connection with the above matters or the Commission will be compelled to take more drastic action.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

Dated at Denver, Colorado,  
this 28th day of October, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*

*[Signature]*  
Dan S. Jones

*[Signature]*  
Commissioners.

(Decision No. 4607)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF THE CHEYENNE TRUNKLINE & STORAGE  
COMPANY FOR A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY,  
-----

APPLICATION NO. 1051

October 20, 1938  
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STATEMENT

By the Commission:

The Commission is in receipt of a letter dated October 10, 1938, signed by Cheyenne Trunkline & Storage Company, Inc. Stacey, in which it is stated that a decision had been made to discontinue service into Colorado.

We are, therefore, of the opinion, and so find, that the above entitled application should be dismissed.

ORDER

IT IS THEREFORE ORDERED, that the above entitled application be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

WORTH ALLEN

DAN S. JOHNS

EDWARD R. WHEELER

Commissioners.

( SEAL )

Dated at Denver, Colorado,  
this 20th day of October, 1938.

ATTEST: A TRUE COPY.

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF COLO.-MEX. TRANSPORTATION COM- )  
PANY FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
-----

APPLICATION NO. 1769

-----  
October 28, 1932.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Mr. E. Cory, President of Colo.-Mex. Transportation Company, Inc., above entitled applicant, to whom we issued a certificate of public convenience and necessity on July 24, 1931, authorizing the proposed motor vehicle system for the operation of passenger bus lines, including the transportation of newspapers and baggage, between Walsenburg, Colorado, and Garcia, Colorado, via Fort Garland and intermediate points, and between Alamosa, Colorado, and Fort Garland, Colorado, and all intermediate points. The said letter, dated October 15, 1932, states that due to present business conditions and recent heavy loss from fire, the said company is unable to operate its said motor vehicle service. A request was made therein to be allowed to suspend operations until "conditions are better".

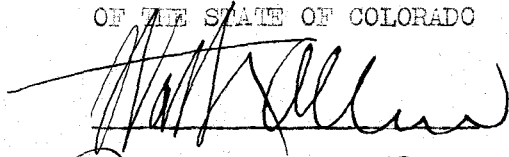
After careful consideration of the matter, the Commission is of the opinion, and so finds, that the said certificate should be suspended until June 1, 1933. If, in the meantime, the applicant desires to resume operations, he may file the insurance required by the Commission to be filed in its offices and resume operations.

O R D E R

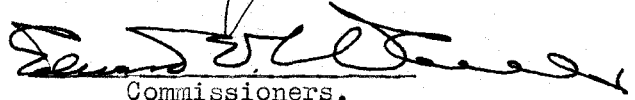
IT IS THEREFORE ORDERED, That the said certificate of public convenience and necessity heretofore issued to Colo.-Mex. Transportation

Co., Inc., be, and the same is hereby, suspended until June 1, 1933.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,  
this 28th day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
F. E. DUFFY AND NORMAN E. THACKERY, ) CASE NO. 1034 ✓  
DOING BUSINESS AS THE TRAVEL BUREAU. )  
-----

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM GOTTESMAN, DOING BUSINESS ) CASE NO. 1035  
AS NATIONAL TRAVEL EXCHANGE. )  
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RE MOTOR VEHICLE OPERATIONS OF )  
J. B. GLAVINS, F. E. DUFFY AND )  
C. L. HAINES, DOING BUSINESS AS ) CASE NO. 1036  
TRAVEL SERVICE BUREAU, INC. )  
-----

RE MOTOR VEHICLE OPERATIONS OF )  
F. E. DUFFY AND NORMAN E. THACKERY, ) CASE NO. 1037  
DOING BUSINESS AS TRAVEL EXCHANGE )  
BUREAU. )  
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-----  
October 31, 1932  
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Appearances: Mr. F. E. Duffy, Denver, Colorado,  
for respondents in Cases 1034 and 1037;  
Mr. E. I. L. Mahurin, Denver, Colorado,  
for respondent in Case No. 1035;  
Mr. C. L. Haines, Denver, Colorado,  
for respondents in Case No. 1036;  
Jack Garrett Scott, Esq., Denver, Colorado,  
amicus curiae;  
Colin A. Smith, Esq., Denver, Colorado,  
Assistant Attorney General.

S T A T E M E N T

By the Commission:

On October 3, 1932, the Commission entered its order requiring the above named respondents to show cause why they should not be required to cease and desist from operating as motor vehicle carriers and/or as private carriers by motor vehicle unless and until they had procured certificates of public convenience and necessity and/or private permits authorizing such operations, and/or why they should not be required to cease and desist from aiding and abetting others in the violation of Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, and Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931.

The matter was duly heard before the Commission on October 17, 1932. The evidence disclosed that the four respondents operating under the above described trade names conduct their business in practically the same manner. They maintain offices in the city of Denver and advertise generally in the daily newspapers. One of the advertisements by the Travel Service Bureau reads as follows: "Attractive share expense plan. Cars daily." Another form of advertisement used by the Auto Travel Exchange, Inc., was as follows:

"TRAVELERS' ATTENTION. Use our share expense plan. Quick service; no delays. Private cars leaving this office daily for Salt Lake City, Los Angeles, Frisco, Kansas City, St. Louis, Omaha, Chicago, and all other points. References exchanged; cars inspected. Make Reservations with the Auto Travel Service, Inc."

The two forms of advertising above set forth are fair examples of the general method of advertising used by all of the respondents.

It was further disclosed that a fee of \$1.00 was charged for registration by any individual offering his car to make various trips. A like reservation fee was also charged any passenger desiring to take a trip in this manner. In addition to the registration fee of \$1.00, in some instances at least, the respondents received 20 per cent of the amount that was charged the passenger as transportation to his destination. In some cases this charge was fixed by the owner of the car, and in others by the one in charge of the travel bureau.

It was also disclosed that a number of car owners made a regular business of transporting passengers, which they would obtain from the above named respondents, to various destinations. Some of these cars carried Colorado license tags and others only license tags of other states. None of these car operators nor any of the above named respondents have either certificates of public convenience and necessity or private carrier permits from this Commission.

After the testimony had been taken in the first hearing in the instant cases, a request for a continuance was made by one of the above respondents in order that he might secure legal representation. However, prior to the date of the second hearing, the following communication was filed with the Commission:

Denver, Colorado,  
October 20, 1932

Public Utilities Comm.,  
State Office Bldg.,  
Denver, Colorado.

Gentlemen:

With reference to the hearing concerning travel bureaus, continued from October 17th to October 26th at the request of Auto Travel Exchange, Inc., F. E. Duffy and Norman E. Thackeray, we have talked with Mr. Jack Scott, attorney appearing at said hearing in the interests of certain bus companies, and are advised by him that an agreement by us to the closing of our travel bureaus at 136 Sixteenth Street and 1717 California Street, Denver, within the next fifteen to thirty days might terminate the investigation.

"The business of our travel bureaus has been unprofitable to us for some time and we have been contemplating closing them. With the assurance that the purpose of the hearing and investigation is only to obtain evidence as to the manner of operation of travel bureaus in Denver, and believing that such evidence has now been presented to your commission, we will agree to close our bureaus at 136 Sixteenth Street and 1717 California Street within fifteen to thirty days from the date of this letter (whatever time you may see fit to grant us) and waive a continuance of the hearing.

Very truly yours,

Auto Travel Exchange, Inc.  
F. E. Duffy  
Norman E. Thackeray

Such waiver, as explained above, is agreeable to the undersigned:

Travel Service Bureau,  
1818 California St.,

By C. L. Haines

National Travel Exchange,  
526 Eighteenth St.,

By E. I. L. Mahurin. "

In view of the above communication, it was not felt necessary to hold any further hearings in the matter and none of the respondents appeared at the time of the adjourned hearing.

Generally speaking, the Commission is of the same opinion in regard to these travel bureaus as was expressed in the case of Re Irving H. Hanes, et al., doing business as Mutual Auto Travel Service, Case No. 503, Decision No. 2652, 7 Colo. P.U.C. page 1410, wherein the doctrine is laid down that those engaged in securing, for private parties contemplating motor tours, other

parties desiring to make such trips as paying guests, would not be functioning as a public utility so as to warrant regulation by the Commission, but that if those who carried the passengers were operating in such manner as to make them common carriers, they would be violating the law and those who aided them in so doing would likewise be violating the law.

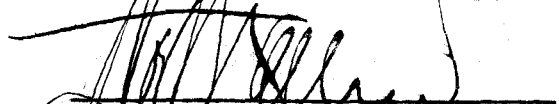
After a careful consideration of the record in the instant cases, the Commission is of the opinion, and so finds, that under the practices and methods through which respondents have been conducting their business, they have been guilty of aiding and abetting in the violation of Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, and of Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931, and insofar as their methods and practices violate said sections, they should be required to cease and desist from violating the same.

O R D E R

IT IS THEREFORE ORDERED, That respondents cease and desist from aiding and abetting those who are transporting passengers for hire by motor vehicles, either as <sup>unauthorized</sup> common carriers or (as) private carriers, within the State of Colorado.

IT IS FURTHER ORDERED, That jurisdiction of the instant cases be, and the same is hereby, retained to the end that such further orders may be entered herein as occasion may require.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Daniel S. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of October, 1932.



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

-----

RE FREE TRANSPORTATION BY THE  
DENVER AND SALT LAKE RAILWAY  
COMPANY FROM MCGREGOR, COLORADO,  
TO DENVER, COLORADO, ON ONE CAR  
OF NET COAL CONSIGNED TO THE  
TABERNACLE COMMUNITY CHURCH,  
DENVER, COLORADO.

MISCELLANEOUS DOCKET NO. 18

-----  
October 31, 1933.  
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**STATEMENT**

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by J. H. Turner, its Traffic Manager, dated October 28, 1933, requesting authority to transport one carload shipment of net coal free of charge from McGregor, Colorado, to Denver, Colorado, on account of charity.

The shipment in question has been donated by one of the shippers on the line of The Denver and Salt Lake Railway Company to the Tabernacle Community Church, a charitable organization, and is to be used for charity.

Section 17, Paragraph (a) provides that the Commission may by rule or order authorize carriers to depart from their published tariff rates.

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

An appropriate order will be entered.

**ORDER**

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized and directed to protect a free rate on one carload shipment of net coal from McGregor, Colorado, to Denver, Colorado, consigned to the Tabernacle Community Church.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(S E A L)

\_\_\_\_\_  
WORTH ALLEN

\_\_\_\_\_  
DAN S. JONES

\_\_\_\_\_  
EDWARD E. WHEELER  
Commissioners.

Dated at Denver, Colorado, this  
31st day of October, 1932.

ATTEST:

A true copy.

\_\_\_\_\_  
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY TO CLOSE ITS AGENCY ) INVESTIGATION AND SUSPENSION  
STATION AT CIMARRON, COLORADO, FROM ) DOCKET NO. 191  
JUNE 1ST TO SEPTEMBER 5TH, AND FROM )  
OCTOBER 25TH TO MAY 5TH. )  
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-----  
October 31, 1932.  
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Appearances: T. A. White, Esq., Denver, Colorado,  
attorney for applicant;  
Stivers and Strang, Esqs., Montrose, Colorado,  
attorneys for protestants.

S T A T E M E N T

By the Commission:

Applicant seeks authority to close its agency station at Cimarron, Colorado, during a portion of each year on the ground that the revenue realized from the business of said station during the periods when it is proposed to close the same, does not justify the continuance of the agency station at said point. A petition signed by numerous residents of Cimarron and the surrounding territory protesting against said abandonment was filed with the Commission, and the matter was heard at Montrose, Colorado, on October 20, 1932.

Cimarron is located on the narrow-gauge line of applicant about 22 $\frac{1}{2}$  miles east of Montrose, Colorado, and 15 miles west of Sapinero, Colorado, at both of which points station agencies are maintained. It is estimated that practically fifty families trade at Cimarron and receive their mail there. The town has one general store, in which the postoffice is located, and has an actual population of 25 to 30 inhabitants. An agency station has been maintained by applicant at Cimarron since 1882. Farming, cattle and sheep raising constitute the principal industries of the surrounding country. The heaviest shipments in and out of Cimarron are in the months of May and October.

On behalf of applicant it was disclosed that the total earnings of the Cimarron station for the year 1930 amounted to the sum of \$13,868.83, and for the first six months of 1932, to \$1,605.98. The principal carload shipments of freight received at Cimarron consist of sheep, with an occasional car of cattle. This is also true of the outbound carload shipments. For the first six months of 1932, the l.c.l. freight received at Cimarron totaled 31 shipments with a gross weight of 9344 pounds, and only one shipment of l.c.l. freight, with a total weight of 145 pounds, was forwarded from Cimarron during said period. The total revenue derived by applicant from l.c.l. freight into and out of Cimarron for the first six months of 1932 amounted to \$80.28.

The cost of maintaining the station at Cimarron is approximately \$2,000.00 per year, while the estimated expense of keeping said station open for the periods proposed by applicant would be \$500.00, which would leave an estimated saving of approximately \$1,500.00 if applicant's petition is granted.

It was also disclosed that the estimated deficit of applicant for the year 1932 will be approximately \$3,000,000.00 as compared with a deficit of \$225,651.96 for the year 1931.

The milk and cream shipments from the Cimarron station average a little over two cans per day, but these are not prepaid shipments.

On behalf of protestants, some evidence was introduced to show the inconvenience that would be suffered by shippers in that territory if the station is closed. Arrangements for cars would have to be made either at Sapinero or Montrose, and of course all incoming shipments would have to be prepaid.

We realize that some inconvenience must necessarily be suffered by shippers when an agency station is discontinued, and the question we must determine in the instant case, as in all others of this character, is whether the inconvenience that will be suffered by shippers offset the financial advantage that will accrue to the applicant by permitting the partial abandonment of the Cimarron station.

The Commission has felt that under present economic conditions



the railroads are entitled to effect all reasonable economies in operation so long as the public convenience and necessity is taken care of in, at least, a fairly efficient manner. The fact that applicant may be permitted to close said Cimarron station at the present time, does not mean that if business conditions in the future justify such action, it will not be required to again maintain the same.

We are not unmindful of the fact that the closing of this station will mean the probable loss of employment by some individual. In an address delivered by Dr. C. S. Duncan, economist, in September, 1932, before the Atlantic States Shippers' Advisory Board, the statement was made that over 17,500 local railroad stations have been closed in the United States since 1917. We assume, and we know it to be true in Colorado, that the great majority of these abandonments have been within the past two years. It naturally follows that the employment situation has been aggravated by such action to the extent of nearly 17,500 more unemployed, although in some cases custodians and caretakers have been employed in lieu of station agents.

We regret taking any action that will tend to increase unemployment. However, we are faced with the fact that railroad companies are required under the Federal Transportation Act of 1920 to operate their railroads in an economical manner, and we feel that it is incumbent upon regulatory bodies to permit such economical operation, always bearing in mind the rights of the public to reasonable service. To do otherwise might jeopardize the continuance of our railroad system of transportation so vital to the country and particularly vital to the territory served by the narrow-gauge lines of applicant. We do feel, however, that during this period of economic depression all agencies should attempt as far as reasonably possible and prudent to refrain from increasing our unemployment problem.

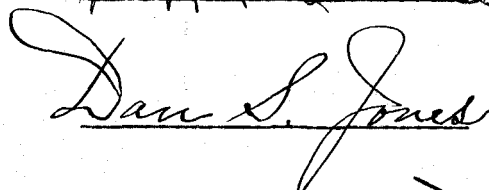
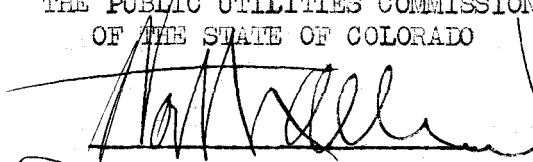
In view of the very small amount of revenue received by applicant from business at Cimarron, and also in view of the small volume of traffic now moving in and out of said station, as well as the very limited number of shippers that will be affected, the Commission is of the opinion, and so finds,

after a careful consideration of all the record, that applicant should be permitted to close its agency station at Cimarron, Colorado, from June 1 to September 5, and from October 25 to May 5, of each year, commencing on November 20, 1932.

ORDER

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Denver and Rio Grande Western Railroad Company, to close its agency station at Cimarron, Colorado, from June 1 to September 5, and from October 25 to May 5, of each year, commencing November 20, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,  
this 31st day of October, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM WEST AND FRANK HUSSINS, )  
DOING BUSINESS AS LEWISTON TRAVEL )  
BUREAU. )  
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CASE NO. 1066

-----  
November 1, 1932.  
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S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondents are and have been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law, and/or as a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931, without a private permit authorizing the same.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not the said respondents, either personally or as agents and/or employees, have been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and/or as a private carrier by motor vehicle without a private permit authorizing the same, and whether said respondents have procured, aided or abetted in the violation of any of the terms of the aforesaid laws.

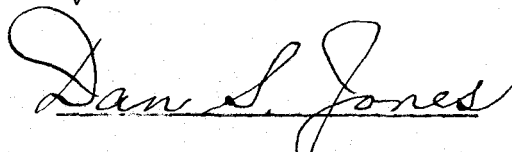
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondents have in any manner violated said Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, and/or Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondents to cease and desist from operating as a motor vehicle carrier and/or as a private carrier by motor vehicle unless and until they have procured a certificate of public convenience and necessity and/or a private permit authorizing such operations, and/or why they should not be required to cease and desist from aiding and abetting others in the violation of the above described provisions of the aforesaid laws.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 15th day of November, 1932, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of November, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
O. M. DURHAM, SOMETIMES KNOWN ) CASE NO. 1067  
AS MACK DURHAM, DOING BUSINESS )  
AS MARKHAM TRAVEL BUREAU. )  
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-----  
November 1, 1932.  
-----

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is and has been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law, and/or as a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931, without a private permit authorizing the same.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not the said respondent, either personally or as agent and/or employe, has been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and/or as a private carrier by motor vehicle without a private permit authorizing the same, and whether said respondent has procured, aided or abetted in the violation of any of the terms of the aforesaid laws.

O R D E R

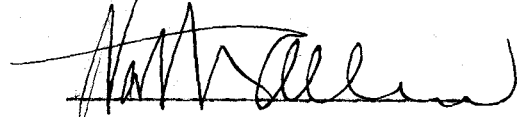
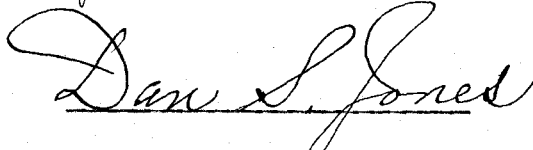
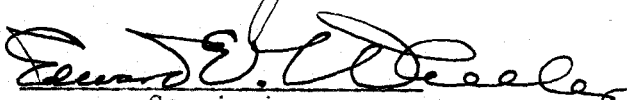
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondent has in any manner violated said Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, and/or Section 1 (h) of Chapter 120, Session Laws of Colorado, 1931.

IT IS FURTHER ORDERED, That said respondent show cause, if any

he have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondent to cease and desist from operating as a motor vehicle carrier and/or as a private carrier by motor vehicle unless and until he has procured a certificate of public convenience and necessity and/or a private permit authorizing such operations, and/or why he should not be required to cease and desist from aiding and abetting <sup>others</sup> in the violation of the above described provisions of the aforesaid laws.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 15th day of November, 1932, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN HALBERT. )  
-----

CASE NO. 1068

-----  
November 2, 1932.  
-----

S T A T E M E N T

By the Commission:

A certificate of public convenience and necessity was heretofore issued to John Halbert, respondent, in Application No. 1759.

Information has come to the Commission that said respondent is violating the terms of that certificate by operating in territory and between points not authorized thereby, and that he has failed to file monthly reports for the months of July, 1932, to September, 1932, inclusive.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine whether or not said respondent has violated the authority granted by his certificate of public convenience and necessity and/or has failed to file monthly reports for the period July 1, 1932, to September 30, 1932, inclusive.

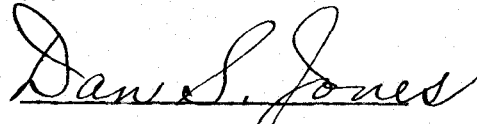
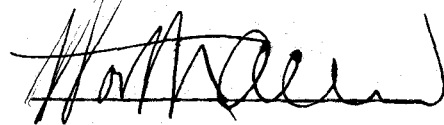
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not said respondent has violated the terms of the certificate of public convenience and necessity heretofore issued to him and/or has failed to file monthly reports for the period July 1, 1932, to September 30, 1932, inclusive.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked, and why the Commission should not enter such other order or orders as may be meet and proper.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on Wednesday, the 16th day of November, 1932, at 2:00 P. M., at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF LLOYD P. DAVIS, AS RECEIVER OF )  
THE CONSOLIDATED TRUCK COMPANY, )  
A CORPORATION, AND CONSOLIDATED )  
MOTOR FREIGHT, INC., A CORPORA- )  
TION, FOR AUTHORITY TO TRANSFER )  
A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY. )  
-----

✓  
APPLICATIONS NOS. 467-AAA  
AND 1710-A

-----  
November 2, 1932  
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Appearances: Jack Garrett Scott, Esq., Denver, Colorado,  
attorney for applicants.

S T A T E M E N T

By the Commission:

The Commission heretofore granted two certificates of public convenience and necessity, one in Application No. 467, the other in Application No. 1710. Both certificates are at this time held by Consolidated Truck Company, a corporation, of which Lloyd P. Davis is receiver. This application is for authority to said Davis, as such receiver, to transfer both of said certificates to Consolidated Motor Freight, Inc.

The reason why a receiver of Consolidated Motor Truck Company was appointed is that a large judgment was obtained against it on account of injuries resulting from an automobile collision on the highway, on which said judgment an execution was issued.

The proposal now is to pay \$5,000 to Margaret Simpson Baker as executrix of the will or administratrix of the estate of Anna Jones, deceased, \$1,500 of said amount being in cash, the other to be in monthly installments of \$100 plus interest at the rate of six per cent per annum, \$491 on account of taxes, including those due this Commission, \$946.61 in full payment of accounts payable by the receiver, and \$1,365 to be applied to mortgage indebtedness of the truck company. The balance of \$3,500 to be paid to said executrix is desired to be secured by giving a lien upon the two said certificates.

This sale has been approved by the District Court sitting in and for the County of Boulder, it being the court which appointed and has supervision of said receiver.

We note that according to the evidence some \$333.00 due creditors of the truck company will not be paid. However, notice of the sale was given to all such creditors, who in large part already have been paid.

The financial condition of the proposed transferee is satisfactory.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to Lloyd P. Davis, as receiver of the Consolidated Truck Company, a corporation, to transfer to Consolidated Motor Freight, Inc., a corporation, the certificates of public convenience and necessity heretofore issued by the Commission in Applications Nos. 467 and 1710.

We are further of the opinion, and so find, that authority should be granted to Consolidated Motor Freight, Inc., a corporation, to give a lien on said certificates to secure the payment to said Margaret Simpson Baker, as executrix, of the balance of \$3,500, which will be due her after the initial payment of \$1,500 is made, subject to the condition hereinafter stated.

#### O R D E R

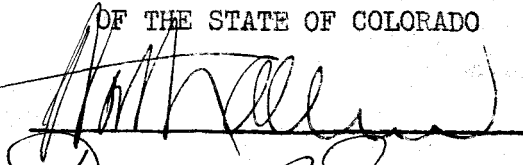
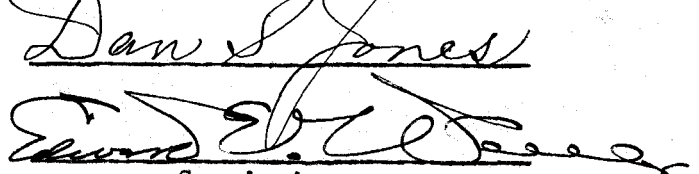
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Lloyd P. Davis, as receiver of the Consolidated Truck Company, a corporation, to transfer to Consolidated Motor Freight, Inc., a corporation, the certificates of public convenience and necessity heretofore issued by the Commission in Applications Nos. 467 and 1710.

IT IS FURTHER ORDERED, That authority be, and the same is hereby, granted to Consolidated Motor Freight, Inc., a corporation, to give a lien on said certificates to secure the payment to said Margaret Simpson Baker, as executrix, of the balance of \$3,500, which will be due her after the initial payment of \$1,500 is made, subject to the following condition:

IT IS FURTHER ORDERED, That before any other person or corporation than the transferee herein shall operate under the certificates upon which we have herein authorized Consolidated Motor Freight, Inc., to create a lien in favor of said Margaret Simpson Baker, as executrix, authority and approval of this Commission shall be obtained. The purpose of this condition, it may be stated, is not in any manner unreasonably to interfere with the action of said Margaret Simpson Baker, as executrix, but to protect the public by seeing that if a pledgee, mortgagee or lienee has to take steps to sell said certificates to realize the amounts due her, said sale shall be to a person or corporation which may properly serve the public.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Consolidated Truck Company shall become and remain those of Consolidated Motor Freight, Inc., until they have been lawfully and properly changed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Dan S. Jones  
  
\_\_\_\_\_  
Commissioners.

Dated at <sup>D</sup>enver, Colorado,  
this 2nd day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
J. W. HAYDEN FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE PASSENGER SERVICE BY )  
AUTOMOBILE BETWEEN GRAND JUNCTION, )  
COLORADO, AND DENVER, COLORADO, )  
AND INTERMEDIATE POINTS. )

AMENDED  
APPLICATION NO. 2028

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November 2, 1932.  
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Appearances: E. B. Underhill, Esq., Grand Junction, Colorado,  
attorney for applicant;  
T. A. White, Esq., Denver, Colorado,  
attorney for The Denver and Rio Grande  
Western Railroad Company, protestant.

S T A T E M E N T

By the Commission:

Under the amended application filed in the above matter, applicant seeks authority to establish a passenger transportation service by automobile between Grand Junction and Denver, Colorado, and the intermediate points between Grand Junction and Redcliff only.

The proposed route would be from Grand Junction to Redcliff over Highway No. 40 S., thence over Shrine pass to Wheeler, through Dillon and over Loveland pass and through Idaho Springs to Denver; provided, however, that if Shrine pass is blocked by snow, applicant desires to have authority to go via Tennessee pass to Leadville and thence over Fremont pass to Dillon,

Applicant proposes to leave Grand Junction on Monday, Wednesday and Friday of each week at 7:30 A. M., arriving in Denver at 6:00 P. M. of the same day. On the return trip he would leave Denver on Tuesday, Thursday and Saturday of each week at 8:00 A.M., arriving in Grand Junction at 6:25 P.M. His route would be approximately 185 miles shorter than the present rail route between Grand Junction and Denver, and according to his proposed schedule his operating time would be  $4\frac{1}{2}$  hours shorter than that of the railroad.



Applicant has been operating between Grand Junction and Mack for a number of years under a certificate of public convenience and necessity issued by this Commission, and his financial condition was satisfactorily established.

His proposed one-way fare between Grand Junction and Denver is \$10.02, and he estimates that his total cost for a one-way trip would be about \$42.00. He testified that he had consulted some fifty residents of the various towns through which he proposes to operate and that considerable public demand exists for his service. There is no regular, established motor vehicle service now operating between Grand Junction and Denver, and it was brought out in the evidence that part of the route of applicant covers some of the most scenic territory in Colorado.

On the part of protestants, the evidence disclosed that the proposed route of applicant would parallel the route of the Rio Grande for approximately 150 miles. It was also disclosed that the passenger business of protestant had shown a decrease from 1920 to 1931 of 87 per cent in volume and 80 per cent in revenue. At the present time, protestant has two trains daily operating between Denver and Grand Junction. No. 2 leaves Grand Junction at 5:00 A.M. and arrives in Denver at 7:45 P.M. No. 4 leaves Grand Junction at 11:40 P.M., arriving in Denver at 2:30 P.M. No. 1 leaves Denver at 8:00 A.M., arrives in Grand Junction at 10:59 P.M. No. 3 leaves Denver at 2:15 P.M., arrives in Grand Junction at 4:15 A.M.

Trains Nos. 15 and 16, which formerly gave the Western Slope territory daylight service, were discontinued some time ago by protestant. It now proposes to restore said trains on November 6 and to discontinue trains 3 and 4. However, it is proposed on June 1, 1933, to again restore trains 3 and 4 and to again discontinue trains 15 and 16.

The Commission believes that whatever public demand exists for the proposed operations of applicant is largely due to the fact that the Denver and Rio Grande Western Railroad Company removed trains Nos. 15 and 16, and we are also of the opinion that a large majority of the shipping and traveling public residing in the territory sought to be served by applicant, would

prefer to have the services of Trains Nos. 15 and 16 maintained rather than to have a certificate issued authorizing bus operations between Grand Junction and Denver.

In view of the enormous decrease in its passenger business and revenue, it is evident that all possible business must be retained for protestant if it is to continue reasonable passenger service to the Western Slope territory involved. It is true that applicant testified that he thought he could make his operation pay even if trains 15 and 16 resumed operations, but the Commission is rather doubtful whether his operation would be profitable if said trains were in operation.

After a careful consideration of all the record, and due to the fact that trains 15 and 16 are to be again placed in operation on November 6, the Commission is of the opinion, and so finds, that the instant application should be denied. However, due to the further fact that protestant states that it may discontinue trains 15 and 16 on June 1, 1933, the Commission will retain jurisdiction of the instant application in order to permit applicant to apply for a further hearing if it should develop that said trains Nos. 15 and 16 are again discontinued by The Denver and Rio Grande Western Railroad Company.

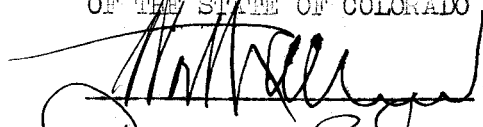
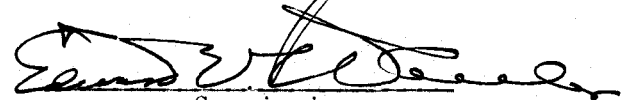
O R D E R

IT IS THEREFORE ORDERED That the instant application be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That jurisdiction of the instant application be, and the same is hereby, retained by the Commission in order to permit applicant to apply for a further hearing if it should develop that said trains Nos. 15 and 16 are again discontinued by The Denver and Rio Grande Western Railroad Company.

Dated at Denver, Colorado,  
this 2nd day of November, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE RESIDENTS OF THE TOWN OF RED )  
LION AND VICINITY FOR THE OPENING )  
OF A PUBLIC GRADE CROSSING OVER )  
THE TRACKS OF THE UNION PACIFIC )  
RAILROAD COMPANY IN THE TOWN OF RED )  
LION, COLORADO. )

APPLICATION NO. 2069

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November 2, 1932  
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S T A T E M E N T

By the Commission:

On October 7, 1932, the residents of the town of Red Lion, Logan County, Colorado, and vicinity filed an application with the Commission for the establishment and opening of a public crossing, at grade, over the tracks of the Union Pacific Railroad Company in the town of Red Lion at what is known as Ash street.

The application alleges that the crossing is necessary to provide access to the town of Red Lion and the post office from the main highway on the north side of the railroad.

A copy of the application was duly referred to the County Commissioners of Logan County and to the Union Pacific. Replies have now been received from them indicating their approval of the application. The railroad company had no objection to the crossing provided the county of Logan would bear the expense for construction and maintenance of the approaches to the crossing and the provision for necessary drainage required.

The information held by the Commission regarding the crossing desired is rather meager but it is assumed that there is a public necessity for the crossing, since it is so strongly recommended by the County Commissioners of Logan County and for the reasons set out in the application. It is assumed that there are no unusual elements of danger at the crossing, since it is approved by the railroad company.

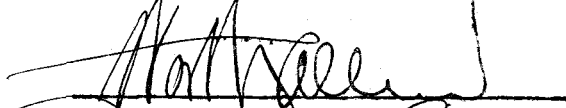


Therefore, since there is no objection to the crossing by anyone concerned and since it appears that it is a necessity and will be a matter of convenience to this community, the Commission will now issue its order granting the application.

O R D E R

IT IS THEREFORE ORDERED, in accordance with the provisions of Section 29 of the Public Utilities Act, as amended, that a public highway crossing, at grade, be and the same is hereby permitted to be opened and established over the right-of-way and tracks of the Union Pacific Railroad Company at what is known as Ash street in the town of Red Lion, Logan County, Colorado, conditioned, however, that prior to the opening of aforesaid crossing to public travel it shall be constructed in accordance with the specifications for grade crossings as provided in the Commission's order in Case No. 879.

IT IS FURTHER ORDERED, That the expense for the construction and maintenance of the highway up to the track including necessary drainage therefor shall be borne by the county of Logan, Colorado, and the expense for the installation and maintenance of the crossing, and all necessary signs, cattle guards and wing fences shall be borne by the respondent, the Union Pacific Railroad Company.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1932.

REPORT THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 4487)

IN THE MATTER OF THE APPLICATION OF  
THE RESIDENTS OF THE TOWN OF RED  
LION AND VICINITY FOR THE OPENING  
OF A PUBLIC GRADE CROSSING OVER  
THE TRACES OF THE UNION PACIFIC  
RAILROAD COMPANY IN THE TOWN OF RED  
LION, COLORADO.

APPLICATION NO. 2002

September 2, 1902

FINAL

By the Commission:

On October 7, 1902, the residents of the town of Red Lion, Logan County, Colorado, and vicinity filed an application with the Commission for the establishment and opening of a public crossing, at grade, over the tracks of the Union Pacific Railroad Company in the town of Red Lion at what is known as Ash street.

The application alleges that the crossing is necessary to provide access to the town of Red Lion and the post office from the main highway on the north side of the railroad.

A copy of the application was duly referred to the County Commissioners of Logan County and to the Union Pacific. Replies have now been received from them indicating their approval of the application. The railroad company had no objection to the crossing provided the county of Logan would bear the expense for construction and maintenance of the approach to the crossing and the provision for necessary drainage required.

The information held by the Commission regarding the crossing desired is rather meager but it is assumed that there is a public necessity for the crossing, since it is so strongly recommended by the County Commissioners of Logan County and for the reasons set out in the application. It is assumed that there are no unusual elements of danger at the crossing, since it is approved by the railroad company.



Therefore, since there is no objection to the crossing by anyone concerned and since it appears that it is a necessity and will be a matter of convenience to this community, the Commission will now issue its order granting the application.

**ORDER**

IT IS THEREFORE ORDERED, in accordance with the provisions of Section 29 of the Public Utilities Act, as amended, that a public highway crossing, at grade, be and the same is hereby permitted to be opened and established over the right-of-way and tracks of the Union Pacific Railroad Company at what is known as 1st street in the town of Red Lion, Logan County, Colorado, conditioned, however, that prior to the opening of aforesaid crossing to public travel it shall be constructed in accordance with the specifications for grade crossings as provided in the Commission's order in Case No. 872.

IT IS FURTHER ORDERED, That the expense for the construction and maintenance of the highway up to the track including necessary drainage therefor shall be borne by the county of Logan, Colorado, and the expense for the installation and maintenance of the crossing, and all necessary signs, cattle guards and wing fences shall be borne by the respondent, the Union Pacific Railroad Company.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

( S E A L )

NORTH ALLEN

DAN S. JONES

HOWARD E. WHEELER  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1932.

ATTEST: A TRUE COPY

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PROPOSED	)	
CLOSING OF LAIRD STATION AS AN	)	<u>INVESTIGATION AND SUSPENSION</u>
AGENCY STATION BY CHICAGO, BUR-	)	<u>DOCKET NO. 189</u>
LINGTON & QUINCY RAILROAD COMPANY.	)	
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November 2, 1932.  
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Appearances: J. Q. Dier, Esq., Denver, Colorado,  
attorney for Chicago, Burlington &  
Quincy Railroad Company;  
F. W. Collett, Esq., Denver, Colorado,  
for Railway Express Agency, Inc.;  
J. C. Standiford, Laird, Colorado, and  
D. C. McGinnis, Laird, Colorado, protestants.

S T A T E M E N T

By the Commission:

Chicago, Burlington & Quincy Railroad Company following the Commission's General Order No. 34, notified the Commission that, effective September 10, 1932, it proposed to and would withdraw its agent from its station at Laird, in Yuma County, Colorado, and discontinue such station as an agency station. Upon protests being filed by a number of individuals and corporations, the Commission made an order of suspension and held a hearing.

At the hearing it was proposed by the carrier to employ a custodian. The principal difference between the duties that would be performed by such a custodian and a regular agent would be that a custodian would handle no money. He would telephone carload orders to Haigler, which is located 10.07 miles east of Laird, or to Wray, the county seat, being 6.43 miles west of Laird. He would receive l.c.l. and express shipments, store them in the station and place them on outgoing trains. He would take off of incoming trains such shipments and deliver them to the consignees upon their calling for them. The outgoing shipments would be sent "collect", the incoming ones "prepaid". The passengers boarding trains would pay the same fare that they would pay if a ticket were purchased from an agent at Laird. Milk

and cream would be billed by the train baggage man. The evidence showed that a custodian usually resides in the station. The principal commodities moving out of Laird are livestock and grain, the principal ones moving in are coal and livestock for feeding purposes.

According to the evidence the railway operating income of the carrier declined from 5.58 per cent in the year 1929 to 1.95 per cent for the first six months of the year 1932. Of course, it is generally understood that in arriving at railway operating income interest on the debts of the carrier, both funded and unfunded, is not deducted.

Exhibit No. 2 of the carrier shows the number of carloads forwarded and received at Laird for the years 1927 to 1931, both inclusive, and for the first seven months of the year 1932. It shows also the l.c.l. freight forwarded and received during the same period and the total revenue from all of such business.

For the year 1927, the number of carloads forwarded was 87, the revenue therefrom being \$9,046.92; the l.c.l. freight forwarded 35,567 pounds, the revenue therefrom being \$294.33; the total gross revenue from all freight forwarded being \$9,341.25. For the same year the number of carloads received was 51, the revenue thereon being \$3,766.36; the l.c.l. freight received was 327,195 pounds, the revenue thereon being \$2,967.30; the total gross revenue from freight received being \$6,733.66.

The revenue for the year 1928 from all freight forwarded and received increased to \$13,348.25. It increased in 1929 to \$27,219.83. It increased in 1930 to \$32,293.08. It dropped in 1931 to \$19,094.30. The total number of pounds of l.c.l. freight forwarded from Laird during the latter year was 10,669, and the total amount of such freight received was 206,367 pounds.

For the first seven months of 1932, the carloads of freight forwarded had dropped to 22, the number received to 11. During that period the l.c.l. freight forwarded amounted to 3,211 pounds or less than 2 tons, and the l.c.l. freight received being 47,160 pounds or some 24 tons. The



revenue from all freight forwarded and received during said seven months was only \$3,121.17.

The passenger revenue, according to Exhibit No. 3, amounted in 1928 to \$565.62; Western Union receipts for that year were \$126.57; the amount from milk and cream was \$954.07. In 1931 the passenger revenue dropped to \$312.68; the Western Union receipts to \$51.18, and the receipts from milk and cream to \$727.58.

Some of the protestants at the hearing contended that the figures of the carrier showing the revenue from freight received for 1931 were too low. They were given an opportunity to furnish the Commission with what they considered proper figures. Thereafter the carrier sent its traveling auditor to interview the two protestants, Mr. D. C. McGinnis and Mr. G. H. Burnett. After said interview the said auditor wrote the attorney for the carrier as follows:

"As per your request I went to Laird on the 7th, and talked with Mr. Ginnis, and also with Mr. Burnett. They were mistaken in their figures, as the figures Mr. Burnett had were for 1932, and the figures Mr. McGinnis had were for 1931. The figures Mr. Burnett had also contained business paid at other stations on freight forwarded out of Laird, and which was shown on the exhibit #3 in Business Forwarded.

"In talking to Mr. McGinnis, he advised me that he would advise the Commission that he was mistaken. However, he intends sending to Mr. Allen list of his checks paid at Laird for 1931."

Mr. McGinnis wrote the Commission enclosing figures showing that the total amount of freight paid by him for the year 1931, amounted to \$2,138.75, and that paid by the Farmers Union Cooperative Elevator Company amounted to \$2,105.01, the total of the two being \$4,243.76 as against a total of \$4,246.72 for all freight forwarded from and received at said station. His letter in which his figures were enclosed states:

"\* \* \* in looking into this matter I find the Elevator had in some that was shipped out which should not of been in there so cut it down some. Mr. Murphy was in my office yesterday and got a copy of my checks which amount I am sending you and he explained the out going freight was in another column but the figures we are submitting to you is for freight coming in here. I notice the Elevator has a little for express which should be checked off. Now I see by the report that it cost \$1,880.19 to run this station for the year of 1931 either the Elevator or myself paid more than that amount during the year of 1931 besides the other places of business here that paid freight."

Mr. McGinnis enclosed a copy of an article which appeared in Hastings' Daily Tribune of September 9, 1932. While this matter is not in the record it may do no harm to call attention to a statement in the article in question to the effect that net revenues for railroads generally in Nebraska had increased from slightly over \$14,000,000 in 1920 to \$21,500,000 in 1931, representing an increase of some 50 per cent. No comparison was made in said article of the revenue in 1920 with years immediately preceding and following it. Neither is any account taken of the greater capital investment for the carriers in 1931 over that in 1920.

There are situated at Laird a lumber yard, 3 filling stations, 2 general stores, 1 hardware store, a hotel, a bank, a blacksmith shop, 3 cream stations and a postoffice.

The closing of the station as an agency station is almost always seriously objected to by the business men of the town in which the station is located. It causes the business men some inconvenience. However, the principal consideration of the protestants usually is that, in their opinion, the closing of the station is an act which hurts the reputation of the town, rather indicating that the town is on the down grade.

There is undoubtedly some inconvenience as arrangements have to be made by which freight shipped into the town must be prepaid by the shipper, who ordinarily does not make such payment when an agent is in service.

The fact that an agent is discontinued in a small town should not seriously affect the reputation of the town as a business center. Probably in no period in the history of the country have business conditions and methods undergone such changes as in the past ten years. In spite of the loyalty of the two main shippers at Laird to the carrier in question, commodities are moving in increasingly large volume by truck. The public are riding in their own automobiles and busses when they formerly traveled by passenger train. These changes necessarily require the carriers to make reasonable adjustments.

In our opinion the most serious aspect of cases of this sort

is the putting of an agent out of employment. Of course, the agent at this particular station, because of seniority rights, can take the place of an agent at some other point having a junior right. The result, however, is that some agent down the line is forced out of a job and into the already unduly swollen ranks of unemployment. It is most unfortunate that some scheme has not been worked out by which men working for quasi-public corporations for a number of years can reasonably be taken care of in periods like the one in which we now find ourselves. However, the prevailing practice is to discharge those whose services can be dispensed with. The question is whether we may protect the said agents by refusing to allow the closing of any stations.

Under the law, our powers and duties are limited to consideration of what the public convenience and necessity require. In considering this question, we assume that it is proper to throw into the scales the case of the agent along with all the other proper evidence.

In view of the condition of the carrier, when we come to weigh the saving to the carrier of \$100 per month, which would be effected by the closing of the station as a regular agency station and substituting a custodian, against the inconvenience suffered by the public shipping and receiving freight, we are of the opinion that the saving obviously outweighs the slight inconvenience to the public. Although we dislike very much to see a station agent thrown out of employment or have his salary reduced to that of a custodian, we have been forced to conclude that we cannot properly under the law compel the carrier to retain such agency.

There was some evidence given at the hearing to the effect that one or more shippers who had been having their freight move by rail would patronize trucks in the event an agent is not continued in the station at Laird. Of course, this is a matter for the sole determination of the shippers. However, it may be observed that the continuance of a practice of patronizing trucks might adversely affect the prospect of getting an agent reinstalled. We hope very much that conditions in the future will warrant the railroad in returning an agent to Laird,

and this Commission in requiring such action. Of course, that possibility will turn on the facts developing in the future, one of which will be the volume of freight then moving to and from the station.

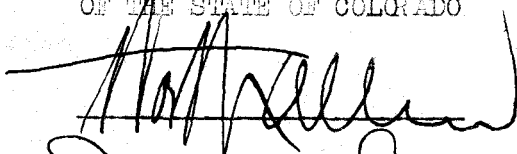
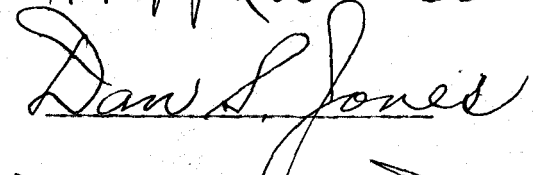
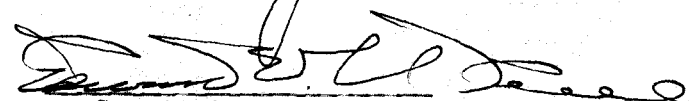
After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity no longer require the maintenance of an agency station at the station of Laird, Colorado, and that authority should be granted to the carrier to close the same, with the understanding that it will install a custodian with the usual duties performed by such person.

O R D E R

IT IS ~~THE~~ THEREFORE ORDERED, That authority be, and the same is hereby, granted to Chicago, Burlington & Quincy Railroad Company to discontinue its station agency at Laird, Colorado, upon the substitution of a custodian who shall have such duties as are ordinarily performed by such person.

IT IS FURTHER ORDERED, That the closing of said agency station may be made effective on November 20, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF MIKE GISI AND JOHN F. TOLBERT, )  
CO-PARTNERS, DOING BUSINESS AS )  
YUMA TRANSPORTATION COMPANY, FOR )  
A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY. )  
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APPLICATION NO. 2016.

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November 2, 1932  
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Appearances: Glenn S. Thompson, Esq., Yuma, Colorado,  
attorney for applicants;  
J. Q. Dier, Esq., Denver, Colorado,  
attorney for The Chicago, Burlington  
& Quincy Railroad Company;  
F. S. Kelso, Yuma, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

This is an application by Mike Gisi and John F. Tolbert, co-partners, doing business as Yuma Transportation Company, for a certificate of public convenience and necessity authorizing the transportation of livestock and other freight between Yuma and points located within a distance of seven miles west thereof, thirty miles north, south and east thereof and Denver.

At the hearing the applicants agreed that their certificate if issued might confine them to the transportation of livestock only and in less than rail carload lots. After said concession was made, both protestants to the application, being Chicago, Burlington & Quincy Railroad Company and F. S. Kelso, withdrew their protest.

Without going into the details of the evidence, we think it is sufficient to say, and we find, that the public convenience and necessity require the motor vehicle operations of the applicants for the transportation of livestock only in less than rail carload lots between Yuma, Colorado, and Denver, Colorado, and from point to point within the territory hereinbefore described and between points in said area and Denver.

However, some reports are due from said Tolbert on account of some operations which he conducted as a private carrier, which have not been filed. The Commission informed him at the hearing that the certificate would not be issued until those reports had been filed and the taxes due had been paid. The order will, therefore, provide that the certificate herein granted will not become effective until the said reports are filed and the taxes paid.

#### O R D E R

IT IS THEREFORE ORDERED, That subject to the limitations and conditions hereinafter stated, the public convenience and necessity require the motor vehicle system of the applicants, Mike Gisi and John F. Tolbert, co-partners, doing business as Yuma Transportation Company, for the transportation of livestock only in less than rail carload lots between Yuma and points located within a distance of seven miles west thereof, thirty miles north, south and east thereof, from point to point within said territory, and between points in said area and Denver, but not to or from intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

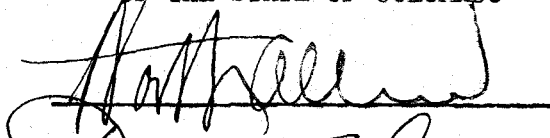
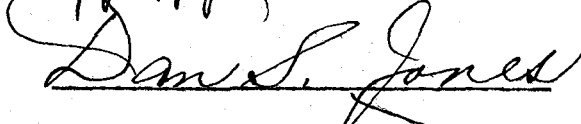
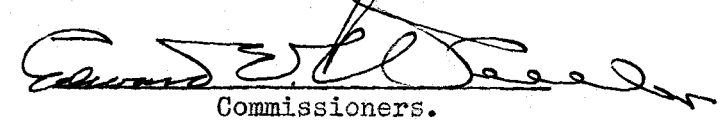
IT IS FURTHER ORDERED, That this certificate shall not become effective unless and until the said John F. Tolbert has filed all highway compensation tax reports due and has paid said taxes.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with

respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF J. R. SHIRLEY AND H. K. VENRICK, )  
CO-PARTNERS, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY. )

APPLICATION NO. 2054

-----  
November 2, 1932  
-----

Appearances: Frank D. Allen, Esq., Akron, Colorado,  
attorney for applicants;  
Glenn S. Thompson, Esq., Yuma, Colorado,  
attorney for applicants;  
Pelton and Chutkow, Esqs., Akron, Colorado,  
attorneys for Harry Attebery, protestant.

S T A T E M E N T

By the Commission:

This is an application by J. R. Shirley and H. K. Venrick, co-partners, for a certificate of public convenience and necessity authorizing the transportation of "grain, livestock, farm products, merchandise and other freight," from Anton, Colorado and vicinity to Denver, Colorado, and return.

At the hearing it was stated by the applicants that the territory around Anton which the applicants seek to serve is within a radius of ten miles of said point.

Anton is a small inland point situated some thirty miles almost directly south of Akron, Colorado. It lies almost midway between the line of the Burlington to the north and the Rock Island to the south. The nearest railroad point east or west is the line of Union Pacific situated at a greater distance to the <sup>west?</sup> east of Anton than either of the railroads lying north and south. The nearest telephone is some ten miles from Anton.

The applicants are conducting a general store at Anton. They usually make one trip per week to Denver to procure and bring back merchandise to be sold by them in their store. They heretofore transported a little merchandise to Thurman and Arickaree, the former being located south of Anton, the latter east. The applicants have a private motor



vehicle permit, being No. 88-A. The applicants stated at the hearing that they were willing to have their certificate if issued eliminate the transportation of merchandise to other stores than their own.

Harry Attebery, has a certificate of public convenience and necessity authorizing "the transportation of freight (1) from point to point within the following described territory from Anton, to-wit: 18 miles north, 20 miles east, 20 miles west and 10 miles south, and (2) between said territory and Akron, Colorado, but not to any intermediate point, and (3) between said territory and Denver, Colorado, but not between any intermediate points." It must be seen that his territory extends east and west forty miles, north and south twenty-eight miles.

Frank E. Hassig, J. H. McKee and C. C. Snyder hold a certificate of public convenience and necessity issued in Application No. 1258, authorizing the transportation of freight between Kirk, Joes and Cope and Denver.

Shirley testified that there are times when the farmers living in the vicinity in question are unable to get a certificated carrier to transport the livestock and are compelled to wait some two or three weeks for service. Walter Miller, a farmer, testified that Attebery is never in his immediate vicinity; that he has difficulty in getting his livestock transported, particularly if he does not have a truck load, and that he is "handy" to the applicants. S. Paul Macbeth, who resides two miles west of Anton, testified that he tried to get Attebery to serve him and that it was three weeks before he came; that he (Macbeth) made two trips to get Attebery and that the latter finally came one evening at 11:00 o'clock when the cattle were on the prairie and the price had gone down. Chester Brooks, residing one mile west and two miles north of Anton, testified that he had attempted unsuccessfully to get Attebery to haul livestock for him and that they were finally carried by Shirley. R. J. Meyers, living in the vicinity in question, testified that he never sees Attebery; that he sent word to him two or three times to come for some livestock but that Attebery never came.

Attebery testified that he has a three-ton Graham Brothers truck and a  $1\frac{1}{2}$ -ton Ford truck; that one Jefferson living in the vicinity of Anton has been acting as his agent since the latter part of May of this year; that he never heard of any complaints against his service until this application came up; that he goes through the territory in question at least once a week; that he can take care of any demand made of him for the transportation of livestock within thirty-six hours after being called upon; that he never turned down any livestock business on account of the number being too low; that if he should refuse to transport same on account of being such a small volume, he would haul the livestock later and would make up to the shipper a reasonable difference in price should there be a decline after the demand is first made upon him. It was admitted that Jefferson, his agent, who resides within a few miles of Anton, was at the time driving school trucks. However, Attebery claimed that Jefferson's brother could substitute for him and transport the children. Attebery stated also that both of his trucks were then in Akron but that they go back and forth between the different points in the territory; that he never has any calls to transport livestock that he could not answer reasonably promptly.

Bert C. Wilson, living three miles north and three miles west of Anton, testified that he never had any trouble in getting Attebery to serve him. Clyde M. Krebbs stated he had had reasonable service by certificated carriers.

The Commission has been rather liberal in granting certificates for the transportation of livestock. The market prices sometimes vary sharply within a few days. A farmer desiring to ship livestock does not like to wait a number of days for service. From our knowledge of Attebery and his operations, we think he has been giving as good a service as might be expected under the circumstances. However, the territory which he serves is quite large. Telephonic communication is very limited. We doubt seriously whether or not we should restrict the people in this territory to those operators now serving them as common carriers.

The evidence showed that frequently people living in the vicinity of Anton have occasion to have some freight of some kind or another transported to them from Denver. The volume of such freight is not large, but the motor vehicle service of a carrier means a great deal to the people who are situated so far from the railroads.

We appreciate that the evidence indicated that the applicants, Shirley and Venrick may have crossed the line dividing common and private carriers, and that they may have been carrying on more extensive operations than their private permit warranted. At one point in Shirley's evidence we understood that he made an effort to restrict his services under his private permit and at another point we rather understood that his operations had been quite general. Of course, we dislike to put a premium on law violation and do all we reasonably can to discourage it. However, after all the question of public convenience and necessity must control in all cases.

After careful consideration of all the evidence in the case and the needs of the shipping public, we are of the opinion, and so find, that the public convenience and necessity require the motor vehicle system of the applicants, J. R. Shirley and H. K. Venrick, co-partners, for the transportation of freight, excluding merchandise to and from the stores other than their own, between Anton and points within a radius of ten miles thereof and Denver, but not to or from any intermediate points.

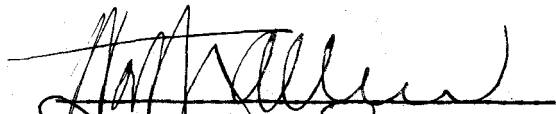

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicants, J. R. Shirley and H. K. Venrick, co-partners, for the transportation of freight, excluding merchandise to and from the stores other than their own, between Anton and points within a radius of ten miles thereof and Denver, but not to or from any intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan L. Jones  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF UNION PACIFIC RAILROAD COMPANY )  
FOR AUTHORITY TO ABANDON ITS AGENCY ) APPLICATION NO. 1918  
AT AROYA, CHEYENNE COUNTY, COLORADO. )  
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-----  
November 9, 1932  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from the General Attorney of the above named applicant dated November 3, 1932, which reads as follows:

"Public Utilities Commission,  
315 State Office Building,  
Denver, Colorado.

In Re Application No. 1918 for  
Abandonment of Agency at Aroya.

Gentlemen:

I beg to advise that the Company has decided for the time being to give up its attempt to close Aroya and we will agree to the entry of an order dismissing the application without prejudice.

Very truly yours,

C. C. Dorsey. "

In view of the request contained in said letter, the Commission is of the opinion, and so finds, that the instant application should be dismissed without prejudice.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PRIVATE MOTOR VEHICLE PERMIT )  
OF J. S. MORAN. )  
-----

PERMIT NO. 307-B

-----  
November 9, 1932  
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**STATEMENT**

By the Commission:

J. S. Moran, holder of motor vehicle private permit No. 307-B, has requested the Commission to suspend his permit as of October 1, 1932. The matter was taken up with the Commission at that time. He has not operated since then. The date of expiration of the suspension desired is May 1, 1933.

The Commission is of the opinion, and so finds, that the said permit should be suspended as requested.

**ORDER**

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 307-B, heretofore issued to J. S. Moran, be, and the same is hereby, suspended as of October 1, 1932, to May 1, 1933.

IT IS FURTHER ORDERED, That before the said Moran shall resume said operation under his permit, he shall file such insurance with the Commission as is required by its rules and regulations.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

( S E A L )

WORTH ALLEN

DAN S. JONES

EDWARD E. WHEELER

Commissioner.

Dated at Denver, Colorado,  
this 9th day of November, 1932.

ATTEST: A TRUE COPY.

Secretary.

(Decision No. 4703)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE AMENDMENT NO. 34 TO THE DENVER )  
AND RIO GRANDE WESTERN RAILROAD )  
COMPANY'S FREIGHT TARIFF NO. 4486-G, )  
COLO. P.U.C. NO. 81. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 142

-----  
November 10, 1932  
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S T A T E M E N T

By the Commission:

There has been filed with the Commission this day a stipulation in and by which it was agreed by The Denver and Rio Grande Western Railroad Company, a corporation, The Doyle Ice and Storage Company, a corporation, and American Refrigerator Transit Company, a corporation, that the petition and intervention filed by said American Refrigerator Transit Company herein and the protest and objection of said The Doyle Ice and Storage Company to Amendment No. 34 to The Denver and Rio Grande Western Railroad Company's Freight Tariff No. 4486-G, Colo. P.U.C. No. 81, be withdrawn, and that Decision No. 3232, being a decision and order entered by this Commission in the above entitled matter on February 21, 1931, cancelling said amendment, shall be withdrawn and held for naught and that the tariff charges set forth and published in said amendment may and shall become effective forthwith, same to be interpreted in accordance with the provisions of an agreement entered into on November 10, 1932, between said The Denver and Rio Grande Western Railroad Company and said The Doyle Ice and Storage Company, the material provisions of which so far as this matter is concerned are as follows:

"The Ice Company will enter into the usual form of trackage contract with the Railroad Company, under the conditions of which, the Railroad Company will construct, at the Ice Company's expense, a certain extension to the existing spur tracks at Monument for the accommodation of the Ice Company's ice plant at that point, the cost of which is estimated to be approximately \$1,100.00: the construction work to be performed within sixty days after this date: the track installation to be in accordance with the blue print map attached hereto.

"The Ice Company agrees to construct, at its own expense, such additional platforms and facilities as may be necessary in the proper utilization of the extended track.

"The Ice Company agrees to withdraw its protest now on file with the Public Utilities Commission in re Amendment No. 34 to D&RGW freight tariff 4486-G C.P.U.C. No. 81, now pending before said Commission in I&S Docket No. 142, which amendment to said tariff provides a charge for special switching service at Monument, Colorado, and the Ice Company also agrees to procure and have filed a withdrawal of the protest and objection filed by the American Refrigerator Transit Company against the tariff referred to, and the Ice Company agrees that the switching tariff proposed in said amendment may at once become effective and shall be interpreted as hereinafter provided.

"The Railroad Company agrees that in all cases where the Ice Company requests or demands the special switching service provided for in said tariff on days during which shipments of ice are made at the Railroad's request from Monument to the Railroad Company, the Railroad Company will pay to the Ice Company, its proportion of said special switching service charge, which proportion of the total switching charge will be determined by the number of cars shipped to the Railroad Company, as said number shall bear to the total number of cars shipped on said days. In this connection, it is understood that the Ice Company will pay the full tariff charge for such switching service and will bill back against the Railroad Company for the proportion thereof computed as aforesaid.

"It is understood that until the termination of its present contract with American Refrigerator Transit Company dated July 1st, 1925, relative to furnishing cars and refrigeration service (OR Agreement No. 4107, Treasurer's No. 11738), the Railroad Company will furnish, during the ice harvesting season, when required by the Ice Company, two switches per day by regular train service, which switching shall not be considered special switching service as defined by the tariff to be made effective. All switching service, requested by the Ice Company, in excess of two switches per day will be considered special switching service. It is understood, however, the Railroad Company will furnish switching service twice each twenty-four hours, with regular scheduled trains, only so long as it operates, to take care of its other freight business, two regular daily southbound freight trains from Denver to Pueblo. If circumstances are such that less than two regular daily freight trains from Denver to Pueblo are sufficient to take care of the Railroad Company's other traffic, then in that event the Railroad Company, upon request of the Ice Company, will furnish without charge the equivalent of said two switches by other means, and any additional switching service shall be considered special switching service.



"It is understood that the settlement of all the issues in controversy, as proposed herein, is conditioned upon the granting to the Railroad Company by the Public Utilities Commission of Colorado the right to make effective by tariff publication, the charge referred to for special switching service at Monument."

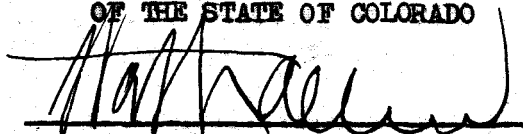
Since the parties to this matter have made an amicable settlement of the controversy involved, the Commission sees no reason why an order should not be made in accordance with said stipulation.

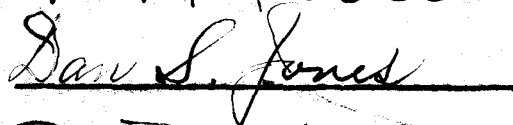
O R D E R

IT IS THEREFORE ORDERED, That the said decision and order, being Decision No. 3232 made by this Commission in this matter on February 21, 1931, is hereby withdrawn and held for naught.

IT IS FURTHER ORDERED, That the provisions set forth in amendment No. 34, may be re-established on not less than one day's notice in accordance with Section 16 of the Public Utilities Act, with the understanding that the same is to be interpreted in conformity with said agreement attached to said stipulation above set forth.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GRANDIC STAGES, INCORPORATED, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE MOTOR VEHICLE )  
CARRIER SERVICE IN THE TRANSPORTATION ) APPLICATION NO. 2075  
OF PASSENGERS, BAGGAGE AND LIGHT )  
FREIGHT BETWEEN DENVER, COLORADO, AND )  
THE NEW MEXICO-COLORADO STATE LINE )  
IN INTERSTATE COMMERCE ONLY. )  
-----

-----  
November 14, 1932.  
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Appearances: Otto Bock, Esq., Denver, Colorado,  
attorney for applicant.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and necessity authorizing the transportation of passengers, baggage and light freight, in interstate commerce only, between Denver, Colorado, and the Colorado-New Mexico state line over U. S. Highway No. 85 through Colorado Springs, Pueblo and Trinidad.

Applicant is already operating in interstate commerce between the Colorado-Nebraska state line and Denver, and the proposed operation sought in the instant application is a continuation of an interstate operation extending from Chicago to Los Angeles.

The evidence disclosed that all of the common stock of applicant is owned by the Iowa Electric Light and Power Company, which is one of the large utilities operating in the state of Iowa and the owner of the Cedar Rapids Electric Railway.

Applicant proposes to use in its Colorado operation four 21-passenger busses of an estimated value of \$16,000.

The evidence further disclosed that applicant is duly authorized to do business within the State of Colorado and is financially able to carry

on its proposed operation.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the Constitution of the United States and the laws of the State of Colorado require the issuance to applicant of an interstate permit authorizing the transportation of passengers, baggage and light freight by motor vehicle in interstate commerce only between Denver, Colorado, and the Colorado-New Mexico state line via U. S. Highway No. 85.

O R D E R

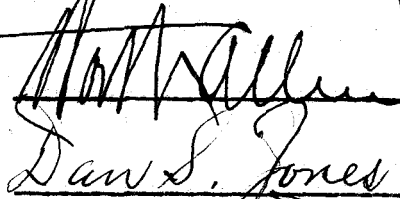
IT IS THEREFORE ORDERED, That the Constitution of the United States and the laws of the State of Colorado require the issuance to applicant, Grandic Stages, Incorporated, of an interstate permit authorizing the transportation of passengers, baggage and light freight by motor vehicle in interstate commerce only between Denver, Colorado, and the Colorado-New Mexico state line via U. S. Highway No. 85, and this order shall be taken, deemed and held to be an interstate permit therefor.

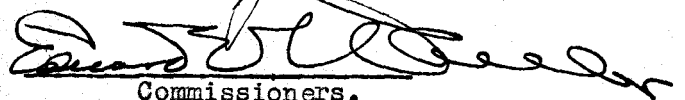
IT IS FURTHER ORDERED, That applicant shall give prompt attention to the filing of monthly highway compensation reports and to the payment of highway compensation taxes and to the marking of vehicles, as set forth in Rules 24, 26 and 31, respectively, of the Rules and Regulations Governing Motor Vehicle Carriers.

IT IS FURTHER ORDERED, That no operation shall be carried on under this permit at any time when public liability and property damage insurance is not in effect and the policy or policies of insurance are not on file with this Commission.

Dated at Denver, Colorado,  
this 14th day of November, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones

  
Commissioners.

10/18/32  
EAS  
JCH

(Decision No. 4705)

At a General Session of The Public  
Utilities Commission of The State  
of Colorado, held at its office in  
Denver, Colorado, November 15, 1932.

INVESTIGATION AND SUSPENSION DOCKET NO. 192

IT APPEARING, That on October 18, 1932, The Denver and Rio Grande Western Railroad Company, in compliance with General Order No. 34, filed with the Commission a petition giving notice of its intention to close its agency station at Villa Grove, Saguache County, Colorado, effective November 17, 1932, alleging that the Company does not operate passenger trains via this station; that the expense of maintaining said agency station is not justified and that the public convenience and necessity does not require the maintenance of an agency station at this point.

IT APPEARING FURTHER, That on November 12, 1932, Mr. Robert R. Tarbell, attorney for protestants, filed a protest with the Commission against the closing of said agency station in behalf of certain residents and shippers of Villa Grove and vicinity as evidenced by a petition attached thereto, alleging that the public convenience and necessity requires the maintenance of said station; that the closing of this station would leave a distance of forty-six miles with no station; that Villa Grove now handles business from other places and side tracks, and that it is one of the principal stock loading centers in the San Luis Valley.

IT APPEARING FURTHER, That the Commission finds that the proposed closing of the agency station at Villa Grove might injuriously affect the rights and interests of the patrons of said rail carrier;

THEREFORE, IT IS ORDERED, That the proposed date of the closing of the agency station at Villa Grove, Colorado, be suspended one hundred twenty days from November 17, 1932, or until March 17, 1933, unless otherwise ordered by the Commission.

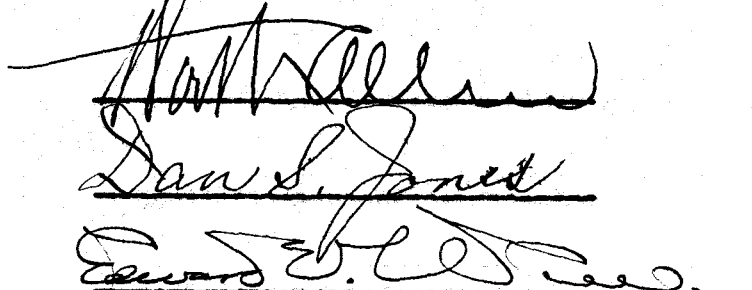
IT IS FURTHER ORDERED, That the proposed closing of said agency station at Villa Grove be made a subject of investigation and determination by the Commission within the said period of time or such further time as the

same might be suspended.

IT IS FURTHER ORDERED, That the matter of said petition and protest be, and the same is hereby, set down for hearing before the Commission at the Court House at Saguache, Colorado, at 10:00 o'clock A. M. on December 15, 1932, at which time and place such evidence as is proper may be offered.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid petition for the proposed closing of said agency station at Villa Grove, Colorado, and copies hereof be forthwith served on said The Denver and Rio Grande Western Railroad Company, the petitioner, and Robert R. Tarbell, Saguache, Colorado, attorney for the protestants.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of November, 1932.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ED S. ARMENTROUT. ) CASE NO. 1004

-----  
November 16, 1932.  
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Appearances: E. S. Johnson, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

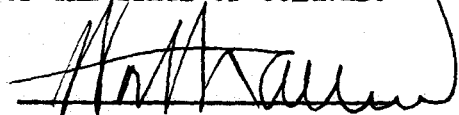
An order was made requiring the respondent, Ed S. Armentrout, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file highway compensation tax reports for the months of June and July, 1932, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

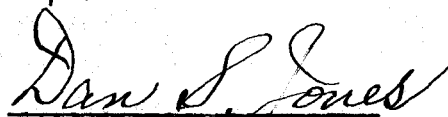
Since the order was made the respondent has filed all reports and the insurance required. We have consented to dismiss the case, with the understanding that hereafter the respondent will more promptly comply with the law and rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MAKE NO copy

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JACK PERRY, DOING BUSINESS AS )  
DENVER-CHEYENNE-CHAPPEL TRUCK )  
LINE. )  
----- )  
CASE NO. 996

-----  
November 10, 1932.  
-----

Appearances: E. S. Johnson, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent Jack Perry, doing business as Denver-Cheyenne-Chappel Truck Line, to show cause why his certificate of public convenience and necessity issued in Application No. 1758 should not be revoked for failure to file monthly reports for the months of April to July, both inclusive, 1932, and for failure to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

At the original hearing the respondent stated that he had not operated during the period in question. Hence his failure to make such reports and file any insurance. He was required to file a sworn statement, which he has done. The matter was continued to this day for further hearing. The respondent did not appear.

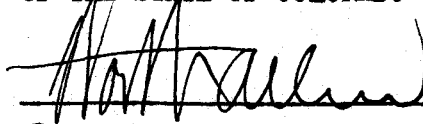
After careful consideration of the evidence the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the applicant should be suspended until such time as he has filed with the Commission such insurance policy or surety bond as is required by law and the said rules and regulations of the Commission.

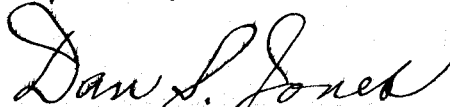
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 1758 to Jack Perry, doing business as Denver-Cheyenne-Chappel Truck Line, be, and the same is hereby, suspended until such time as the respondent shall file with the Commission such insurance policy or surety bond as is required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That upon filing such policy or bond, respondent's certificate shall automatically be reinstated without further order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

CHANDLER & MCKENZIE, INC.,  
A CORPORATION,

Complainant,

vs.

C. O. OSLAND, ET AL.,

Defendants.

CASE NO. 961

November 17, 1932

Appearances: C. E. Wampler, Esq., Denver, Colorado,  
attorney for complainant;  
Harry C. Davis, Esq., Denver, Colorado,  
attorney for defendants.

S T A T E M E N T

By the Commission:

The Commission had before it in the year 1931 in Investigation and Suspension Docket No. 156 the matter of the water rates and service of Chandler & McKenzie, Inc., a corporation, operating in a subdivision known as Kelton Heights, situated in Jefferson County. We made an order on September 4, 1931, finding the then value of the utility's property, fixing the rates and authorizing the installation of meters. The order contained, inter alia, the two following provisions:

"That after one year's operation with the use of meters the respondent shall render a report to the Commission showing in detail the receipts from each of its water users, naming them, and showing all expenditures made by the company in making improvements and additions to its system and for maintenance, operation, overhead and depreciation.

"That the respondent shall repay to its customers such portion, if any, of the revenue received under the rates prescribed herein as may be reasonably found in a hearing to be held after October 1, 1932, to be in excess of an amount sufficient to allow a net return of 7%."

On July 26 of this year the said corporation filed with the Commission in this case a complaint, making most of the users under its system defendants. The complaint alleged that until April 1, 1932, the rate charged by the complainant was a flat one of \$1.50 per month; that beginning April

1, 1932, "the rates for said water as filed with and approved by said Public Utilities Commission have been on a meter basis with a minimum rate of \$2.00 per month. That none of said defendants named in this paragraph was on a meter basis during any of the months of April, May or June, 1932, for the reason that each of said defendants refused to permit the installation of a meter upon his and/or her premises until compelled to do so by a writ of injunction issued by the District Court of the County of Jefferson and State of Colorado on or about the 25th day of June, 1932."

The complaint proceeded to allege that the defendants were furnished with water during the respective periods set forth in the complaint and that the defendants are indebted to the complainant at the rates in force during those periods in the amounts stated. The amounts stated in the complaint are arrived at by the charge of \$1.50 per month up to April 1, and the minimum of \$2.00 per month for the months of April, May and June.

Complainant alleged also that the various defendants named in the complaint had refused to make payment of the amount of money due them. According to the complaint the customers are charged according to the meter readings and in accordance with the rates prescribed by the Commission, beginning with the 1st of April of this year.

The complainant also alleged that defendants or some of them claim that they are entitled to a rebate or reduction on account of alleged shortage of water and on account of air being in the water pipes and passing through the meters, causing the meters to register higher than they should. As we understand the complaint, the complainant offered therein to waive the water rental for the months of July, August and September, 1931. The complaint also asked "permission to deduct ten per cent from the meter readings in all cases with the proviso that the monthly minimum of \$2.00 shall always apply." The brief written on behalf of the complainant states that "complainant feels that a rebate of \$1.50 per month should be allowed those defendants who were served during July, August

and September, 1931, or a total rebate of \$4.50. A meter test showed about nine per cent of air being registered by the meters. Consequently complainant concedes that defendants should have ten per cent more water than the meters register, as hereinafter more fully explained."

The complaint concluded with the prayer that the complainant be authorized to deduct from the tariff rates on file with the Commission such amounts on account of the shortage of water in 1931 and the inaccurate meter readings due to air in 1932 as the Commission shall find proper, and that the balance due the complainant be ordered paid.

Certain of the defendants filed an answer "appearing for themselves and all other defendants similarly situated." The answer denied that complainant, Chandler & McKenzie, Inc., is a public utility, engaged among other things in the business of supplying water to the residents of Kelton Heights. The answer contains allegations concerning the organization or the intended organization of Chandler-Rains Realty Company, the changing of the name thereof a couple of times, and amending the certificate of incorporation so as to authorize the corporation to do various things, including the furnishing of the lands platted by the corporation and the people living thereon ample water for domestic and irrigation purposes. The answer stated also that as to all of the said alleged facts and proceedings relating to the organization and the history of the corporation the defendants have not and cannot obtain sufficient knowledge or information upon which to base a belief and, therefore, deny the same, etc.

The answer proceeded with other allegations concerning the title to the land constituting the subdivision, alleging that the complainant has no right, title or interest in the matters and things set forth in the complaint and denying that it is in any manner or form entitled to institute or maintain the proceeding, to receive or collect for water, and to operate the wells, pipe lines, meters or anything else relating thereto.

It was alleged also that the complainant is unsound and insol-

vent and that if judgments are obtained against the complainant, "and filed", etc., "such judgments will also be entered on the abstract records of each of these defendants' abstracts, causing them great expense and damage." The answer goes into various other matters at considerable length, alleging that the service has been wholly inadequate; that the water has been muddy, etc.

We do not feel it necessary to go into further detail describing the answer, which covers some ten and one-half pages.

Towards the end of the answer and in the paragraph immediately preceding the prayer proper is found a statement that "this Honorable Commission ought not to permit the further handling and operation of this water plant by either this Complainant or the said L. V. Chandler, and should forthwith take charge of said plant and handle and operate the same until these unsurmountable entanglements shall have been corrected." The prayer proper concludes as follows:

"WHEREFORE These defendants pray that the Complainant and the said Lemuel V. Chandler be required to forthwith present to this Honorable Commission competent evidence of the ownership of said water plant, and of the financial and physical ability of whoever owns said property to properly operate it, and upon failure so to do, that this Honorable Commission take over and control the same until it can be properly handled and operated."

After all, as in most cases, the issues herein can be greatly simplified. The jurisdiction of this Commission with respect to utilities may be said in general to be limited to the matter of rates and service. We have the authority and duty to protect the public interest by fixing rates we find reasonable, to require adequate service. Our power with respect to rates extends also to the granting of authority to waive charges when the facts and circumstances show the tariff rates unreasonable.

It is elementary that an administrative body of this sort has no power to pass upon the question of legal title. Neither does it have power to take charge of utilities and operate them.

After carefully considering the issues in Investigation and Suspension Docket No. 156 we prescribed a schedule of rates, as stated, and ordered the complainant herein to render us a report after one year's opera-

tion with the use of meters, showing in detail the receipts from each of its water users and the expenditures made by the company in making improvements and additions and for maintenance, operation, overhead and depreciation. The evidence shows, and we so find, that the use of the meters for the measuring of the water of most of the consumers of the subdivision in question began on or about April 1; that on some eight premises the complainant was not permitted to install meters until he had secured on or about June 25 a writ of injunction from the district court sitting in and for the County of Jefferson.

We further find that at some of the other premises the complainant, although permitted to install meters as early as April 1, did not get them installed until some time later than that date and prior to July 1.

It will thus be seen that we have no adequate method of determining what the annual revenues of the complainant would be until about a year has expired from the date when the use of meters began. We do not believe it is reasonable to require the users of the water who are hoping the facts will warrant a reduction of their rates to wait as long as July 1, 1933, for a hearing. However, we do believe it necessary to wait until about the middle of May to have a further and final hearing in Investigation and Suspension Docket No. 156.

We are, therefore, of the opinion, and so find, that we cannot properly at this time enter into a question of the basic rates to be charged to the consumers.

The report of our Railway and Hydraulic Engineer, Charles H. Rankin, strongly recommends the construction of a tank to be placed over the well at the east end of the subdivision in order to do away with the cloudy condition which we find exists in the water and the inaccurate measurements due to air in the pipes when the pump at the east end of the subdivision is in use. However, there is some question whether or not

the issues in this case are broad enough to warrant such an order. Moreover, it is doubtful, in view of the evidence, whether until the users of water under the system pay what they reasonably owe for the water, the complainant will be able to finance the construction of such a tank. It is our opinion that before spring if the water users have paid the money found to be due by them, we should have a further hearing in Investigation and Suspension Docket No. 156 in this case, or in a new case to be instituted on the Commission's own motion for the purpose of determining whether or not we should require the complainant herein to construct another tank.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to the complainant and it should be required, because of the serious shortage of water during that period, to waive all water charges from the customers for the months of June, July, August and September, 1931.

We are further of the opinion, and so find, that authority should be granted, and the complainant should be required, to waive fifteen per cent of the amounts due from the customers as shown by their meters for the period during which they had meter service ending August 31, 1932.

It is obvious that unless some correction of the present physical set-up is made there will be some difficulty with respect to air and possible cloudy water during the next summer. However, if complainant constructs and connects up another tank before the coming summer, these conditions should not reappear.

#### ORDER

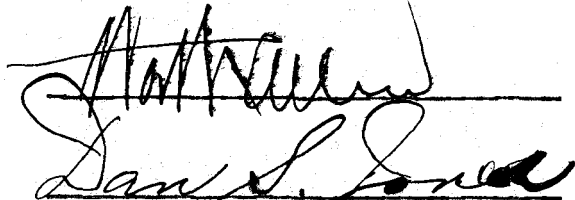
IT IS THEREFORE ORDERED, That complainant be, and it is hereby, authorized and required to waive all water charges to its customers for the months of June, July, August and September, 1931.

IT IS FURTHER ORDERED, That complainant be, and it is hereby, authorized and required to waive fifteen per cent of the amounts due from its customers, as indicated by their meters for the period during which

they had meter service, ending August 31, 1932.

IT IS FURTHER ORDERED, That all customers be, and they are hereby, required to pay to complainant within ten days from the date they are advised by complainant in letters sent by ordinary mail of the substance of this decision and order, the amounts due as determined by this decision and order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of November, 1932.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
F. E. DUFFY AND NORMAN E. THACKERY, ) CASE NO. 1034  
DOING BUSINESS AS THE TRAVEL BUREAU. )  
-----

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM GOTTESMAN, DOING BUSINESS ) CASE NO. 1035  
AS NATIONAL TRAVEL EXCHANGE. )  
-----

RE MOTOR VEHICLE OPERATIONS OF )  
J. B. GLAVINS, F. E. DUFFY AND ) CASE NO. 1036  
C. L. HAINES, DOING BUSINESS AS )  
TRAVEL SERVICE BUREAU, INC. )  
-----

RE MOTOR VEHICLE OPERATIONS OF )  
F. E. DUFFY AND NORMAN E. THACKERY, ) CASE NO. 1037  
DOING BUSINESS AS TRAVEL EXCHANGE )  
BUREAU. )  
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-----  
November 16, 1932.  
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S T A T E M E N T

By the Commission:

On October 31, 1932, the Commission made its order in the above numbered cases, and its attention has been called to the fact that the word "illegally" was inadvertently omitted before the words "transporting passengers", which occur in the sixteenth line on the fourth page of said order.

After careful consideration of the matter, the Commission is of the opinion, and so finds, that said order of October 31, 1932, should be amended to conform to the intention of the Commission.

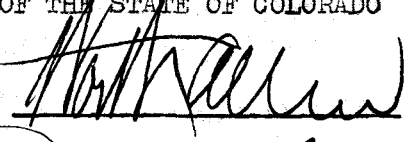
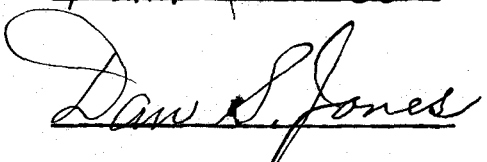
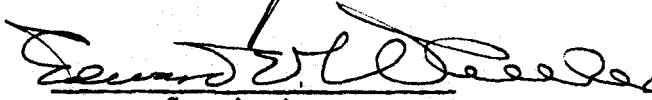
O R D E R

IT IS THEREFORE ORDERED, That said cases be reopened and said order of October 31, 1932, be, and the same is hereby, amended by inserting the word "illegally" before the words "transporting passengers" occurring



in the sixteenth line of the fourth page of said order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF DWIGHT CHAPIN, JR., FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY FOR THE CONSTRUCTION OF )  
AN ELECTRIC TRANSMISSION LINE IN )  
THE COUNTY OF EL PASO, STATE OF )  
COLORADO. )  
-----

APPLICATION NO. 2074

-----  
November 18, 1932  
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Appearances: Dwight Chapin, Jr., Wichita, Kansas,  
pro se.

S T A T E M E N T

By the Commission:

This is an application by Dwight Chapin, Jr., for a certificate of public convenience and necessity authorizing the construction of an electric transmission line from Palmer Lake to the city limits of the City of Colorado Springs, and for authority to distribute electric energy to consumers along said line as constructed.

The applicant is now, under authority of this Commission, serving the people of Palmer Lake and Monument and the vicinity thereof. His intention at the time he secured his certificate for such service was to build a line from Elizabeth to Palmer Lake. However, financial conditions have made such action at this time inadvisable if not impossible.

During the summer and fall the applicant has been generating energy by a small, local, temporary plant. The service is not only unsatisfactory but the cost of generating is high. Energy would be brought over the proposed transmission line from Colorado Springs from the municipal system of said city.

Right at present energy would be taken from the transmission line of the said City of Colorado Springs, extending to Pike View Mine, located some distance north of said city. Whether the applicant will continue to

secure energy from that line would depend upon how satisfactorily the said arrangement works out. If it does not prove to be satisfactory to Colorado Springs in the future, the applicant would then extend its line on from Pike View to the city limits of Colorado Springs.

The cost of the line would be approximately \$13,000. The applicant has in the bank money with which to buy such materials as he does not already own which would be necessary for the construction of the line, and to finance the necessary cost of labor.

No other utility is serving along the line in question unless it be for a short distance north of the City of Colorado Springs.

After careful consideration of the application, the Commission is of the opinion, and so finds, that the public convenience and necessity require the construction by the applicant, Dwight Chapin, Jr., of an electric transmission line from the City of Colorado Springs to the town of Palmer Lake, and the distribution of electric energy by said applicant to consumers residing along that portion of said transmission line where service is not now being rendered by the City of Colorado Springs.

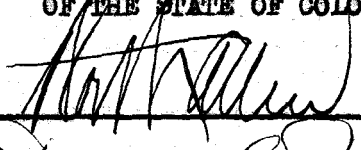
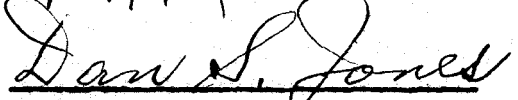
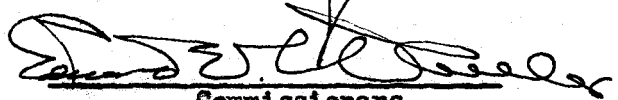
#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the construction by the applicant, Dwight Chapin, Jr., of an electric transmission line from the City of Colorado Springs, Colorado, to the town of Palmer Lake, Colorado, and the distribution of electric energy by said applicant to consumers residing along that portion of said transmission line where service is not now being rendered by the City of Colorado Springs, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant herein shall file his tariffs, rate schedule and rules and regulations as required by this

Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALVIN L. MUSSER. ) CASE NO. 968  
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-----  
November 18, 1932.  
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S T A T E M E N T

By the Commission:

Since the decision of the Commission dated October 18, 1932, was made herein, it has been brought to our attention that we inadvertently omitted the cancellation of the private carrier permit No. A-377 heretofore issued to respondent. As said original hearing was held for the purpose of determining whether or not respondent's private permit should be cancelled for the reason that he was operating thereunder as a common carrier, and as in said decision we found that he was operating as a common carrier, the Commission is of the opinion, and so finds, that said case should be reopened for the purpose of amending said original order to include the cancellation of said private permit No. A-377.

It also appears that since said original decision, a petition for rehearing has been filed. This petition has been carefully considered by the Commission, and we are of the opinion, and so find, that the same should be denied.

O R D E R

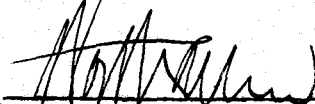
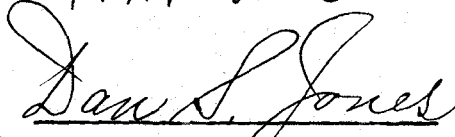
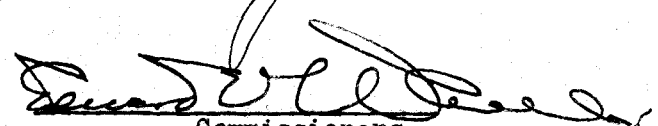
IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, reopened for the purpose of amending the original order made herein on October 18, 1932, by the addition of the following language after the order contained on page 2, viz.:

"IT IS FURTHER ORDERED, That private permit No. A-377, heretofore issued to the above named respondent, be, and the same is hereby, cancelled for the reason that respondent has been operating under same as a common carrier."

IT IS FURTHER ORDERED, That the petition for rehearing filed herein be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That upon the request of the attorney for respondent, a stay of thirty days from the effective date of this order be granted respondent to permit said respondent to appeal to the District Court of the City and County of Denver from our decision herein.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF }  
J. R. SHIRLEY AND H. K. VENDRIK. }

PERMIT NO. A-88

-----  
November 18, 1932.  
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STATEMENT

By the Commission:

On November 2, 1932, J. R. Shirley and H. K. Vendrik were granted a certificate of public convenience and necessity authorizing a common carrier motor vehicle operation over the same route and serving the same territory that had heretofore been served by said parties under private permit No. A-88. In view of the granting of said certificate, they have now requested that their private permit be cancelled.

After careful consideration of the matter, the Commission is of the opinion, and so finds, that private permit No. A-88, heretofore issued to J. R. Shirley and H. K. Vendrik, should be cancelled as of November 1, 1932.

ORDER

IT IS THEREFORE ORDERED, That private permit No. A-88, heretofore issued to J. R. Shirley and H. K. Vendrik, be, and the same is hereby, cancelled as of November 1, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

NORTH ALLEN

DAN S. JONES

EDWARD E. WHEELER

Commissioners.

(S E A L)

Dated at Denver, Colorado,  
this 18th day of November, 1932.

ATTEST: A TRUE COPY.

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DENNIS A. BURROUGHS FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE A MOTOR VEHICLE LINE FOR ) APPLICATION NO. 2052  
THE TRANSPORTATION OF LIVESTOCK AND )  
FARM PRODUCTS BETWEEN PEYTON, COLORADO, )  
AND THE TERRITORY WITHIN A RADIUS OF )  
TEN MILES THEREOF, AND COLORADO SPRINGS )  
AND DENVER, COLORADO. )  
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-----  
November 18, 1932.  
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Appearances: J. G. Scott, Esq., Denver, Colorado,  
attorney for applicant;  
D. Edgar Wilson, Esq., Denver, Colorado,  
attorney for The Chicago, Rock Island  
and Pacific Railway Company;  
F. E. Crabbe and John Q. Dier, Esqs.,  
Denver, Colorado, for The Colorado and  
Southern Railway Company.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and necessity authorizing the operation of a motor vehicle line for the transportation of livestock and farm products between Peyton, Colorado, and points in the territory within a radius of ten miles thereof, and Colorado Springs and Denver, Colorado. He does not desire to conduct a scheduled operation, but proposes to conduct only an occasional or call and demand service.

Protests were filed by The Chicago, Rock Island and Pacific Railway Company and The Colorado and Southern Railway Company, as well as by Oren A. Hartsel, a certificated carrier now operating through a portion of the territory sought to be served by applicant. However, at the hearing, evidence was introduced tending to show that Mr. Hartsel, who was not personally present at the hearing, withdrew any objections that he might have had to the granting of the authority sought in the instant case.

In addition to the Hartsel certificate, which authorizes the transportation of livestock from points within a radius of twenty miles of Simla



to both Denver and Colorado Springs, and to Pueblo, certificates have been issued to H. M. Jessup and the Woodward Truck Line. Jessup's certificate authorizes the transportation of livestock and agricultural products from the territory within a radius of ten miles of the town of Elbert, Colorado, to various points, and the certificate of Woodward Truck Line authorizes a general line haul for the transportation of freight between Colorado Springs and Burlington, Colorado, via Matheson, Colorado.

Eliminating the Hartsel certificate, the only direct conflict in territory that would exist between applicant and any other certificated carrier would consist of a slight overlapping of the Jessup and applicant's territory north of Peyton. Mr. Jessup appeared at the hearing and testified in behalf of applicant. He stated that he had no objection even though some conflict would occur in the area which both would serve if applicant should be granted his certificate.

At the present time, the Chicago, Rock Island and Pacific Railway Company is serving Peyton with a regular tri-weekly freight service, and the Colorado and Southern Railway Company is serving said territory by its Falcon-Denver branch with once a week regular freight service, although additional service is granted, provided a sufficient number of carloads of freight are available for transportation.

A number of witnesses testified as to the public convenience and necessity to be served by the proposed operations of applicant.

It appears that the area contained within a radius of ten miles of Peyton is a farming and stock-raising section having an estimated population of 500 families. Some demand exists for the motor vehicle transportation of stock from point to point within said area, as well as for the transportation of l.c.l. shipments of livestock from said area to market.

It was further disclosed that this need of the community was to some extent being served by unlicensed and illegal operators. The shippers and residents of said territory who testified on behalf of applicant, stated that they preferred to have a certificated carrier to meet their transportation demands. Cattle may be delivered from said area to the Denver market by

truck in from 3½ to 4 hours, which means not only a considerable saving in time over any service that is offered by protestants, but also means a saving in the shrinkage on the cattle which benefits the producers thereof.

We realize the need of the rail carriers to retain all possible revenue freight, but we seriously question whether the operations of applicant would deprive them of such revenue, and we can only determine from the record that l.c.l. shipments of livestock will move from this territory to market by motor vehicle, whether by certificated carriers or otherwise.

Applicant's experience as a motor vehicle operator and his financial standing were established to the satisfaction of the Commission.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed motor vehicle operations of applicant.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of applicant for the transportation of livestock and farm products only between Peyton, Colorado, and points in the territory within a radius of ten miles thereof, and Colorado Springs and Denver, Colorado,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following conditions:

(a) Applicant's operation shall not be conducted upon a regular schedule.

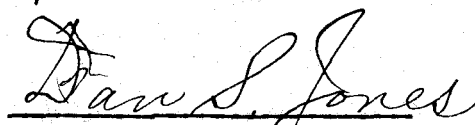
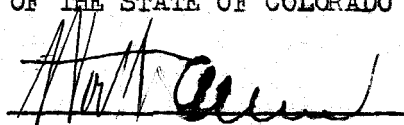
(b) That the applicant herein shall confine his operations solely to the territory hereinbefore described.)

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That this order is made subject to compliance by the applicant with the Rules and Regulations now in force or

to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1932.

10/26 60-200-115  
(Decision No. 4714)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF TATE KETTLER FOR A CERTIFICATE ) APPLICATION NO. 1706  
OF PUBLIC CONVENIENCE & NECESSITY. )  
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-----  
November 21, 1932  
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S T A T E M E N T

By the Commission:

On February 14, 1931, the Commission issued a certificate of public convenience and necessity to Tate Kettler of Loveland, Colorado. He has written the Commission that at the present he is not doing any trucking on account of there being no business available. He desires to be relieved of filing his insurance as required by the rules and regulations of the Commission. We are of the opinion, therefore, that his certificate should be suspended until such time as he may file said insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Tate Kettler in Application No. 1706 be, and the same is hereby, suspended until such time as he may file the insurance required by the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That upon the filing of such insurance the certificate of public convenience and necessity heretofore issued to Tate Kettler shall be reinstated automatically.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of November.

ack 602 154  
(Decision No. 4715)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PRIVATE MOTOR VEHICLE PERMIT )  
OF AMERICAN MINING COMPANY AND )  
MILTON TOFFLER. )  
-----

PERMIT NO. A-346

-----  
November 22, 1932  
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S T A T E M E N T

By the Commission:

The holders of private motor vehicle permit No. A-346, have requested the Commission to cancel their said permit as of October 9, 1932, the date they ceased operating thereunder.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-346, heretofore issued to American Mining Company and Milton Toffler, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

W. H. Hall  
Sam S. Jones

Edward E. Deane  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
G. O. ANDERSON. )

CASE NO. 1069

-----  
November 26, 1932  
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S T A T E M E N T

By the Commission:

A certificate of public convenience and necessity was heretofore issued to G. O. Anderson, respondent, in Application No. 1981; also private permit No. A-364 was heretofore issued to him.

Information has come to the Commission that said respondent is operating as a common carrier in territory not authorized by his certificate of public convenience and necessity, and that he is operating as a common carrier under his permit.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine (a) whether he is operating as a common carrier in violation of his certificate of public convenience and necessity and (b) whether he is operating as a common carrier in violation of his private permit.

O R D E R

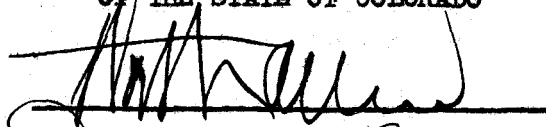

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not said respondent has in the past and now is violating the authority granted by his certificate of public convenience and necessity and/or the authority granted by his private permit.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate of public convenience and necessity heretofore issued to him

and/or the private permit heretofore issued to him, or such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on Friday, the 9th day of December, 1932, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Samuel S. Jones  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1932.

(Decision No. 4717)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOFFAT COAL COMPANY. )  
----- )

CASE NO. 1070

-----  
November 26, 1932  
-----

S T A T E M E N T

By the Commission:

Informal complaint has been made to the Commission by Colorado Utilities Corporation, that Moffat Coal Company, a corporation, in generating and delivering electric energy in Oak Creek and the vicinity thereof is acting as, and is, a public utility, and that said company has omitted to secure a certificate of public convenience and necessity therefor, and that in so serving as such utility without such certificate it is violating the law of the State of Colorado with respect thereto.

After careful consideration of the said complaint, the Commission is of the opinion, and so finds, that it should, and it does hereby, on its own motion, make complaint against said Moffat Coal Company because of its alleged generation and sale of electric energy in Oak Creek and the vicinity thereof, as a public utility, without a certificate of public convenience and necessity therefor.

We are further of the opinion that a hearing should be held for the purpose of determining whether or not said Moffat Coal Company is such a public utility, and whether, if it is such a utility, it has a certificate of public convenience and necessity, and if it has not whether it is required under the law to secure such a certificate as a condition of its lawful operation as such public utility.

O R D E R

IT IS THEREFORE ORDERED, That an investigation be held by the Commission to determine whether or not said Moffat Coal Company is engaged as a public utility in the generation and sale of electric energy in

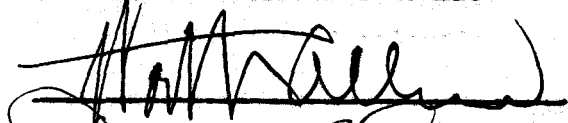



the town of Oak Creek, Colorado, and the vicinity thereof, and whether, if it is such a utility, it has a certificate of public convenience and necessity therefor, and if not, whether it should have such a certificate as a condition of its continued operation as such a utility.

IT IS FURTHER ORDERED, That Moffat Coal Company be, and the same is hereby, required to show cause within ten days from this date, why an order should not be made requiring it to cease and desist from operating as a public utility.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on Tuesday, the 13th day of December, 1932, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Daniel S. Jones  
  
Edward J. O'Connell  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. E. BARLOW. )  
-----

CASE NO. 1071

-----  
November 28, 1932.  
-----

S T A T E M E N T

By the Commission:

The records of the Commission show that permit No. B-23, which was issued to W. E. Barlow, respondent, expired on May 16, 1932. The records of the Commission also disclose that said respondent has not held either a permit or a certificate of public convenience and necessity from this Commission since May 16, 1932.

Information has come to the Commission that said respondent now is, and since May 16, 1932, has been carrying freight for hire without a certificate of public convenience and necessity or a permit.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not said respondent now is or in the past had been carrying freight for hire without the authority required by law for so doing.

O R D E R

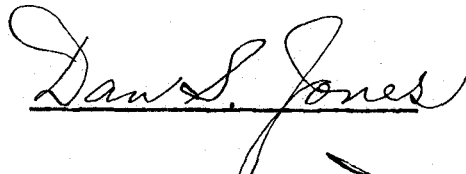
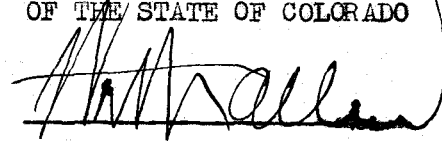
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not W. E. Barlow, respondent, now is, or in the past has been operating as a carrier of freight for hire by motor vehicle without a permit as required by Chapter 120, Session Laws of Colorado, 1931, or a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten

days from this date, why it should not enter an order commanding him to cease and desist from operating as a private carrier by motor vehicle and/or a motor vehicle carrier without the prerequisite authority from this Commission.

IT IS FURTHER ORDERED, That said matter shall be set down for hearing before the Commission at a time and place hereafter to be fixed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,  
this 28th day of November, 1932.

rec  
822  
(Decision No. 4719)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MAKE NO

\* \* \*

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RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD DODGE. )

CASE NO. 1072

-----  
November 29, 1932  
-----

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent in Application No. 1218.

Information has come to the Commission that on or about September 7, 1932, respondent transported a shipment of goods from Montgomery Ward & Company, of Denver, Colorado, to F. H. Lucher-Stark near Walden, Colorado, which was a C. O. D. shipment in the amount of \$309.35; that on or about November 1, 1932, said respondent paid \$100.00 on account of said C. O. D. shipment, leaving a balance of \$209.35 which is still owing and unpaid; and that said respondent has failed to remit said balance in accordance with Rule 37 of the Commission.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not Harold Dodge transported the above mentioned shipment of goods and failed to remit the amount due thereon in accordance with Rule 37 of the Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking his certificate of public convenience and necessity on account of the matters hereinbefore set forth.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on Tuesday, the 13th day of December, 1932, at 10:00 A. M., at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

W. H. Allen  
Dan S. Jones

Edward E. Kelly  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

CHANDLER & MCKENZIE, INC.,  
A CORPORATION,

Complainant,

vs.

C. O. OSLAND, ET AL.,

Defendants.

CASE NO. 961

-----  
December 3, 1932  
-----

S T A T E M E N T

By the Commission:

An order was made herein by the Commission on November 17, 1932.  
A petition for rehearing was seasonably filed.

One of the provisions of the order which is objected to is the one authorizing and requiring the complainant to waive all water charges to its customers for the months of June, July, August and September, 1931. In support of the objection of said portion of the finding and order, the complainant has called our attention to the fact that there was no evidence in the case showing that other than certain persons suffered a substantial shortage of water during the months in question. The customers who are admitted and were shown by the evidence to have suffered such shortage are as follows:

C. O. Osland and Alice Ruth Osland, Mabel K. Ziegler, Shinichi Amano, Jolly G. Knight and Elsie Lee Knight, Clarence L. Ruckman and Rachel F. Ruckman, Ruth A. Herman, Steven James, P. A. LaBerns, J. H. Raney, J. M. Mahanay, Bert Laws, C. E. Lloyd, J. H. Husen, V. F. Thompson, Mrs. J. L. Cassidy, Marie Brown and C. F. Jones.

While we were inclined to think that possibly the shortage of water was more general, we believe, and so find, that we are not at this

time warranted in authorizing any waiver of charges to other customers.

If other customers claim that they had any substantial shortage of water during the period in question, they may file an informal written statement to that effect with the Commission within ten days from the date hereof. We will thereafter have a further hearing herein with respect to their cases. However, we believe that we have required the complainant to wait long enough for the collection of its past due water rents. We will, therefore, require payment to be made by all other customers than those specifically named herein, and if the proof at the further hearing warrants refunding charges for a part of the summer of 1931, an order will be made therefor.

Another complaint made against the order of the Commission is that an allowance of 15% was made on account of excessive reading of meters and muddy water during the summer of 1932. It is contended that those customers whose meter reading would not warrant a higher charge than the minimum, are not entitled to any reduction in regard to excessive reading. With this point we fully agree. The evidence shows that the meters registered about 9% in excess of what they should have shown. The balance of the allowance of 6% was on account of the condition of the water.

Another ground on which the petition for rehearing is based is that we should require that the payment of the water be made at 504 Colorado Building, Denver, Colorado, and the payment of a penalty of ten percent if the amount due complainant is not paid within ten days.

We are of the opinion, and so find, that the payment of the water charges should be made at 504 Colorado Building, Denver, Colorado. However, the ten percent provision of the tariff in our opinion will apply without our making a special order therefor.

#### O R D E R

IT IS THEREFORE ORDERED, That that portion of our order and decision of November 17, 1932, made herein be, and the same is hereby, amended by making the order proper as follows:

IT IS THEREFORE ORDERED, That complainant be, and the same is

hereby, authorized and required to waive all water charges for the months of June, July, August and September, 1931, to those customers whose names appear supra.

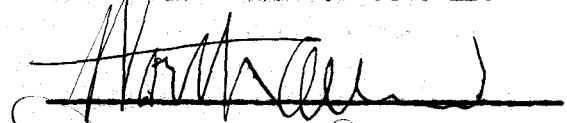
IT IS FURTHER ORDERED, That complainant be, and the same is hereby, authorized and required to waive 6% of the amounts due from its customers having meters, for the period during which they had meter service ending August 31, 1932.

IT IS FURTHER ORDERED, That complainant be, and the same is hereby, authorized and required to waive an additional 9% of the amounts due from its customers having meters, for the period during which they had meter service ending August 31, 1932, provided, however, that in no case shall this authority and requirement be effective in reducing the amount of charges that would be due, without any deduction on account of the allowance of 6%, below the minimum amount which said customers were required under the complainant's tariff to pay.

IT IS FURTHER ORDERED, That all customers are required to pay to the complainant within ten days from the date letters duly stamped are sent by ordinary mail advising them of the amount due as determined by the Commission.

IT IS FURTHER ORDERED, That the payment of water charges be made at 504 Colorado Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Dan S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of December, 1932.



(Decision No. 4723)

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF SAM L. RODGERS, DOING BUSINESS )  
AS BROADWAY MOVING AND STORAGE )  
COMPANY, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY. )  
-----

APPLICATION NO. 2061

-----  
December 3, 1932.  
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S T A T E M E N T

By the Commission:

A hearing in the above matter was held on November 16, 1932,  
and no one appeared in objection to the granting of the authority sought  
by applicant.

Since said hearing, a petition has been filed by Colorado Transfer  
and Warehousemen's Association, requesting that the matter be reopened and  
set for further hearing and alleging certain grounds why they failed to  
appear and protest at the original hearing.


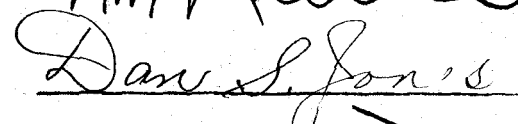
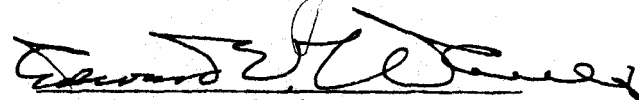
After careful consideration of the record the Commission is  
of the opinion, and so finds, that said petition should be granted.

O R D E R

IT IS THEREFORE ORDERED, That this application be, and the same is hereby, reopened for further hearing.

IT IS FURTHER ORDERED, That such rehearing be held in the Hearing Room of the Commission, Denver, Colorado, on December 19, 1932, at the hour of 2:00 o'clock P.M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of December, 1932.

( Decision No. 4724 )

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. E. BARLOW. )  
-----

CASE NO. 1073

December 3, 1932

S T A T E M E N T

By the Commission:

Under the provisions of Chapter 120, Session Laws, 1931, the records of the Commission show that Permit No. A-394 was issued to W. E. Barlow, respondent, on September 19, 1932. Information has come to the Commission that said respondent now is and in the past has been operating as a motor vehicle carrier as defined in Chapter 134, Session Laws, 1927, as amended, and not as a private carrier by motor vehicle as authorized by his permit.

The Commission is of the opinion, and so finds, that an investigation and hearing should be entered into to determine whether or not said respondent now is or in the past has been operating as a motor vehicle carrier without a certificate of public convenience and necessity.

O R D E R

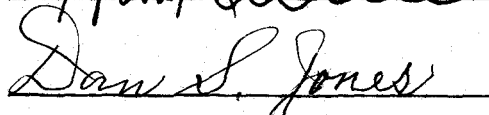
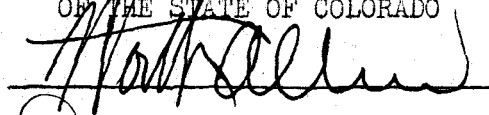
IT IS THEREFORE ORDERED, by the Commission, on its own motion that an investigation and hearing be entered into to determine whether or not said respondent now is or in the past has been operating as a motor vehicle carrier as defined in Chapter 134, Session Laws of Colorado, 1927, as amended, and not as a private carrier by motor vehicle as authorized by his permit.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the

private permit heretofore issued to him, or order him to cease and desist operating as a motor vehicle carrier unless and until he has obtained a certificate of public convenience and necessity, or such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on Tuesday, the 27th day of December, A. D. 1932, at 10:00 A.M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of December, 1932.

(Decision No. 4725)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATES, PRACTICES, ETC., OF )  
THE HOME GAS AND ELECTRIC COMPANY. )  
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CASE NO. 1074

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December 3, 1932  
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S T A T E M E N T

By the Commission:

Some thirty-five citizens of Weld County, mostly Mayors and members of city and town boards, called upon the Commission and had a conference with respect to electric rates charged customers in said County. After said conference the Commission arranged another conference at which representatives of The Home Gas and Electric Company and two other electric utilities were present. It was earnestly hoped that at the second conference some agreement might be worked out, thus obviating the time and expense necessarily involved in a rate case. However, the utilities and those representing the consumers in the various towns and the city of Greeley were unable to come to any agreement.

The Commission is of the opinion, and so finds, that it should on its own motion institute and make a complaint as to the reasonableness of the rates and charges of the respondent, The Home Gas and Electric Company, to its customers in Weld County, Colorado.

The Commission is further of the opinion, and so finds, that it should on its own motion make a complaint as to the rules and practices of said respondent, relating to charges for depreciation, and to the maintenance of its lines, poles and other equipment and property.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that a complaint be and the same is hereby instituted and made by it as to


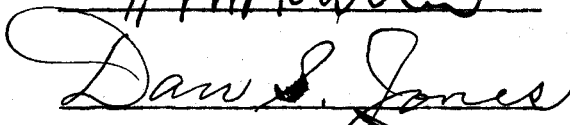
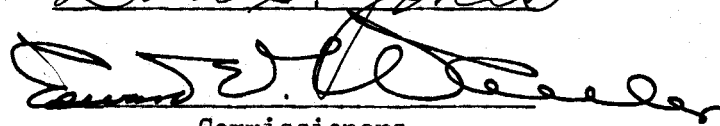
the reasonableness of the rates and charges of the respondent, The Home Gas and Electric Company, to its customers in Weld County, Colorado.

IT IS FURTHER ORDERED, on the Commission's own motion that a complaint be, and the same is hereby instituted and made by it as to the rules and practices of said respondent relating to charges for depreciation, and to the maintenance of its lines, poles and other equipment and property.

IT IS FURTHER ORDERED, That The Home Gas and Electric Company be, and the same is hereby, required to file within twenty-one days from the date hereof, its answer, setting forth such grounds of defense as it may deem it has to the complaint herein.

IT IS FURTHER ORDERED, That this case be set down for hearing at such times and places as the Commission may hereafter fix.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of December, 1932.

( Decision No. 4726 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATES, PRACTICES, ETC., OF )  
COLORADO CENTRAL POWER COMPANY. )  
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CASE NO. 1075

-----  
December 3rd, 1932  
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S T A T E M E N T

By the Commission:

Some thirty-five citizens of Weld County, mostly Mayors and members of city and town boards, called upon the Commission and had a conference with respect to electric rates charged customers in said County. After said conference the Commission arranged another conference at which representatives of Colorado Central Power Company and two other electric utilities were present. It was earnestly hoped that at the second conference some agreement might be worked out, thus obviating the time and expense necessarily involved in a rate case. However, the utilities and those representing the consumers in the various towns and the city of Greeley were unable to come to any agreement.

The Commission is of the opinion, and so finds, that it should on its own motion institute and make a complaint as to the reasonableness of the rates and charges of the respondent, Colorado Central Power Company, to its customers in Weld County, Colorado.

The Commission is further of the opinion, and so finds, that it should on its own motion make a complaint as to the rules and practices of said respondent, relating to charges for depreciation, and to the maintenance of its lines, poles and other equipment and property.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that a complaint be, and the same is hereby, instituted and made by it as to

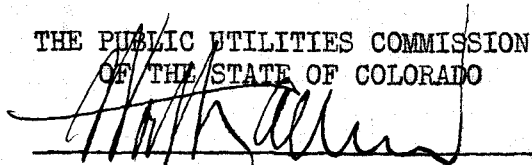
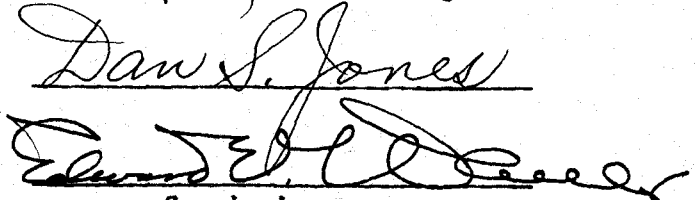
the reasonableness of the rates and charges of the respondent, Colorado Central Power Company, to its customers in Weld County, Colorado.

IT IS FURTHER ORDERED, on the Commission's own motion that a complaint be, and the same is hereby instituted and made by it as to the rules and practices of said respondent relating to charges for depreciation, and to the maintenance of its lines, poles and other equipment and property.

IT IS FURTHER ORDERED, That Colorado Central Power Company be, and the same is hereby, required to file within twenty-one days from the date hereof, its answer, setting forth such grounds of defense as it may deem it has to the complaint herein.

IT IS FURTHER ORDERED, That this case be set down for hearing at such times and places as the Commission may hereafter fix.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of December, 1932.



( Decision No. 4727 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATES, PRACTICES, ETC., )  
OF PUBLIC SERVICE COMPANY )  
OF COLORADO. )  
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CASE NO. 1076

-----  
December 3rd, 1932  
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S T A T E M E N T

By the Commission:

Some thirty-five citizens of Weld County, mostly Mayors and members of city and town boards, called upon the Commission and had a conference with respect to electric rates charged customers in said County. After said conference the Commission arranged another conference at which representatives of Public Service Company of Colorado and two other electric utilities were present. It was earnestly hoped that at the second conference some agreement might be worked out, thus obviating the time and expense necessarily involved in a rate case. However, the utilities and those representing the consumers in the various towns and the city of Greeley were unable to come to any agreement.

The Commission is of the opinion, and so finds, that it should on its own motion institute and make a complaint as to the reasonableness of the rates and charges of the respondent, Public Service Company of Colorado, to its customers in Weld County, Colorado.

The Commission is further of the opinion, and so finds, that it should on its own motion make a complaint as to the rules and practices of said respondent, relating to charges for depreciation, and to the maintenance of its lines, poles and other equipment and property.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that a complaint be, and the same is hereby, instituted and made by it, as to the reasonableness of the rates and charges of the respondent,

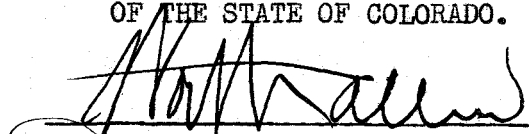
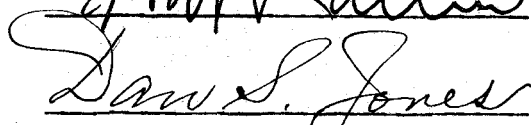
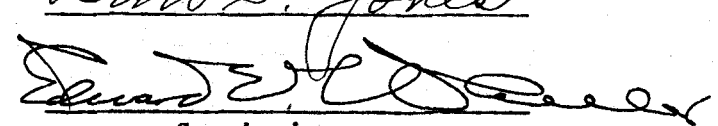
Public Service Company of Colorado, to its customers in Weld County,  
Colorado.

IT IS FURTHER ORDERED, on the commission's own motion that a  
complaint be, and the same is hereby, instituted and made by it as to the  
rules and practices of said respondent relating to charges for depreciation,  
and to the maintenance of its lines, poles and other equipment and property.

IT IS FURTHER ORDERED, That Public Service Company of Colorado  
be, and the same is hereby, required to file within twenty-one days from the  
date hereof, its answer, setting forth such grounds of defense as it may  
deem it has to the complaint herein.

IT IS FURTHER ORDERED, That this case be set down for hearing  
at such times and places as the Commission may hereafter fix.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO.

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of December, 1932.

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( Decision No. 4728 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS )  
OF W. E. BARLOW. )  
-----

CASE NO. 1071

-----  
December 8, 1932  
-----

S T A T E M E N T

By the Commission:

The order herein was incorrectly drawn, due to a mistake on the part of the Commission as to certain facts.

We are, therefore, of the opinion, and so find, that the above entitled case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO.

Worth Allen  
Dan S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of December, 1932.

( Decision No. 4729 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EARL CAIN. )  
-----

CASE NO. 886 ✓

RE MOTOR VEHICLE OPERATIONS OF )  
W. J. DuRAY. )  
-----

CASE NO. 887

RE MOTOR VEHICLE OPERATIONS OF )  
EDGAR BATCHELOR. )  
-----

CASE NO. 888

-----  
December 8, 1932  
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S T A T E M E N T

By the Commission:

Another application for an additional stay in the above  
entitled cases was filed with the Commission on November 25, 1932.

After careful consideration of the application, the Com-  
mission is of the opinion, and so finds, that an additional stay should  
be granted herein until the Commission can act upon the application of  
A. M. DuRay, which has been heard and taken under advisement.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission  
made on May 14, 1932, in the above entitled cases, and the operation  
thereof, be, and the same is hereby, further stayed until ten days after  
the date the Commission shall have written a decision in the matter of the  
application of A. M. DuRay.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Worth Allen  
Dan S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of December, 1932.

( Decision No. 4730 )

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 FOR PERMISSION )  
TO CLOSE AGENCY STATION AT MONUMENT, )  
EL PASO COUNTY, COLORADO. )

APPLICATION NO. 2070

-----  
December 9, 1932  
-----

S T A T E M E N T

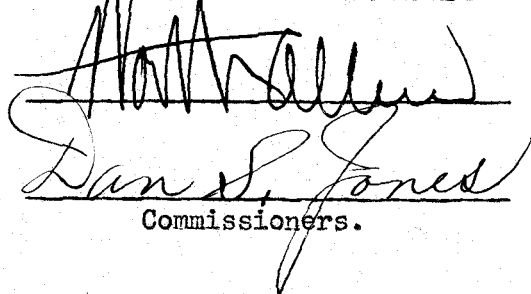
By the Commission:

The Commission is in receipt of a letter dated November 15, 1932, signed by Grant, Ellis, Shafroth and Toll, attorneys for applicant, asking for the dismissal of the **above** entitled application.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be, and the same is hereby, dismissed upon the request of the applicant.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of December, 1932.

(Decision No. 4731)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE DENVER AND RIO GRANDE )  
WESTERN RAILROAD COMPANY FOR )  
PERMISSION TO CLOSE ITS AGENCY )  
STATION AT MONUMENT, COLORADO. )  
-----

APPLICATION NO. 2071

-----  
December 9, 1932  
-----

S T A T E M E N T

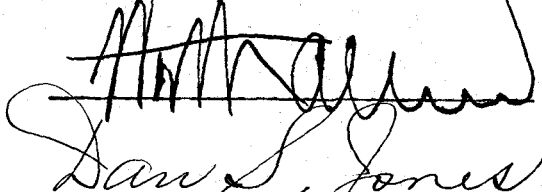
By the Commission:

A letter dated December 1, 1932, addressed to the Commission and written by Thomas R. Woodrow, General Attorney for the applicant, states that he desires to withdraw the above entitled application and will appreciate our entering an order dismissing the same.

O R D E R

IT IS THEREFORE ORDERED, That pursuant to the request of the applicant in the above entitled matter, this application be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. J. SLATER. )

CASE NO. 1078

December 12, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1617)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

July, August, September, October and November, 1932.

<u>Highway Compensation tax unpaid</u>				
<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	January	\$ 3.64	.48	\$ 4.12
"	February	6.22	.75	6.97
"	April	11.56	1.04	12.60
"	May	4.19	.31	4.50
"	June	4.39	.26	4.65
				\$ 32.84
Less over-remittance on Dec. 1931 tax				.69
				\$ 32.15

Respondent has failed also to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on December 27, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Law S. Jones*

XXXXXXXXXXXXXXXXXXXX

Commissioners.

(Decision No. 4733)

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 FOR PERMISSION )  
TO CLOSE AGENCY STATION AT LARKSPUR, )  
DOUGLAS COUNTY, COLORADO. )  
-----

APPLICATION NO. 2066

-----  
December 8, 1932  
-----

S T A T E M E N T

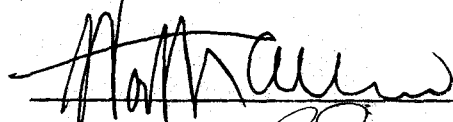
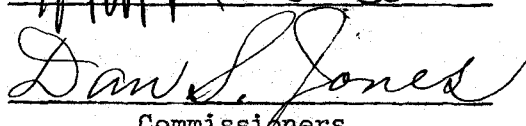
By the Commission:

The Commission is in receipt of a letter dated November 15, 1932, signed by Grant, Ellis, Shafroth and Toll, attorneys for applicant, asking for the dismissal of the above entitled application.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be, and the same is hereby, dismissed upon the request of the applicant.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of December, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. P. ARNOLD, DOING BUSINESS AS )  
ARNOLD TRANSFER COMPANY. )

CASE NO. 1079

December 12, 1932.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1794.)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

May, 1932, to November, 1932, Inclusive.

Highway Compensation Tax Unpaid

	<u>Month.</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	April	\$15.62	\$1.41	\$17.03

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on December 27, 1932, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*San S. Jones*

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
H. E. PARKER, I. H. PARKER AND )  
O. M. RUTHRAUF, CO-PARTNERS, )  
DOING BUSINESS AS THE MUTUAL )  
STAGES. )  
-----

CASE NO. 1080

-----  
December 13, 1932  
-----

S T A T E M E N T

By the Commission:

An interstate motor vehicle permit was issued to H. E. Parker, I. H. Parker and O. M. Ruthrauf, co-partners, doing business as The Mutual Stages on June 27, 1932, in Application No. 2019.

The Commission has not received any highway compensation tax reports from said co-partners, or any of them, for the month of June, 1932 and succeeding months.

The Commission is of the opinion, and so finds, that an investigation should be had for the purpose of determining whether or not said interstate permit heretofore issued to said co-partners should be revoked and cancelled for failure to make said monthly reports and to pay the taxes due for operating on the highways in this State.

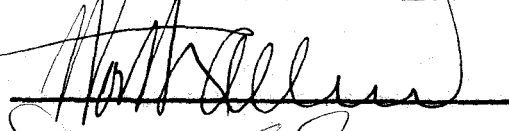
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that it enter into an investigation and hearing to determine whether or not said interstate motor vehicle permit heretofore issued to the respondents, H. E. Parker, I. H. Parker and O. M. Ruthrauf, co-partners, doing business as The Mutual Stages in Application No. 2019, should be revoked and cancelled for failure to file with the Commission monthly highway compensation tax reports for the month of June, 1932, and succeeding months and for failure to pay the highway compensation taxes due the State of Colorado for operating motor busses for hire over the highways of this State.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement to be filed with the Commission within ten days from this date, why it should not enter an order revoking and cancelling the interstate motor vehicle permit heretofore issued to them, or such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Bldg., Denver, Colorado, on Tuesday, December 27, 1932, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Dan S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS )  
OF ALLESSIO MATTEDI. )

APPLICATION NO. 1843

December 13, 1932

S T A T E M E N T

By the Commission:

The Commission issued a certificate of public convenience and necessity to Allessio Mattedi on August 18, 1931, in Application No. 1843.

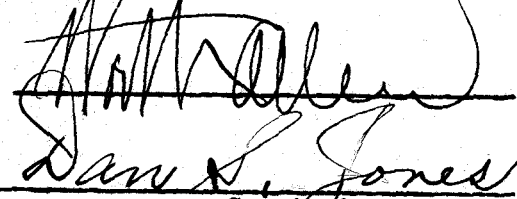
Said Mattedi has written us that he is not now operating under said certificate. We have therefore, concluded that instead of revoking his certificate to suspend the same.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to said Allessio Mattedi in Application No. 1843, should be suspended until such time as the said Mattedi advises us in writing of his intention to resume operations thereunder, and until he files the necessary insurance policies with the Commission in compliance with our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Allessio Mattedi in Application No. 1843, be, and the same is hereby, suspended until such time as the said Mattedi has filed with this Commission such insurance as is required by the rules and regulations of the Commission, and until he shall have advised the Commission in writing of his intention to resume operations thereunder.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE COLORADO RAPID TRANSIT )  
COMPANY, A CORPORATION, AND THE )  
COLORADO RAPID TRANSFER COMPANY, )  
A CORPORATION, FOR AUTHORITY TO )  
LEASE CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY. )  
-----

APPLICATION NO. 291-AA ✓

IN THE MATTER OF THE APPLICATION )  
OF THE COLORADO RAPID TRANSIT )  
COMPANY, A CORPORATION, V. G. )  
GARNETT, R. H. AUSTIN AND THE )  
COLORADO RAPID TRANSFER COMPANY, )  
A CORPORATION, FOR AUTHORITY TO )  
TRANSFER CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
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APPLICATION NO. 681-AA

IN THE MATTER OF THE APPLICATION )  
OF R. H. AUSTIN AND BESS AUSTIN, )  
DOING BUSINESS AS AUSTIN AND )  
AUSTIN, AND THE COLORADO RAPID )  
TRANSFER COMPANY, A CORPORATION, )  
FOR AUTHORITY TO TRANSFER A POR- )  
TION OF CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
-----

APPLICATION NO. 1382-A

-----  
December 13, 1932  
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Appearances: Lindsey and Larwill, Esqs., Denver, Colorado,  
attorneys for all applicants.

S T A T E M E N T

By the Commission:

The Colorado Rapid Transit Company, a corporation, is now the holder of a certificate of public convenience and necessity originally issued by the Commission in Application No. 291. It now seeks authority to lease said certificate for a period of ten years from October 25, 1932, to The Colorado Rapid Transfer Company, a corporation, upon an annual rental of \$600, payable October 25, 1933, and annually thereafter. In addition to the annual rental of \$600 the Transfer Company proposes to issue to stockholders of the Transit Company 5,000 shares of Class B

capital stock. The Transit Company will transfer to the Transfer Company six motor trucks for a consideration of \$6,500, the payment of which will be secured by chattel mortgage.

The Transit Company holds the legal title to a certificate of public convenience and necessity originally issued in Application No. 681. However, the equitable title is held by V. G. Garnett and R. H. Austin. In the order authorizing the transfer of the certificate to the Transit Company as trustee, we stated that further steps should be taken to the end that said certificate "shall be held by the corporation or individuals who are to own both the legal and equitable title thereto." Authority is now asked by the Transit Company and said Garnett and Austin to transfer said certificate to the Transfer Company for a total consideration of \$6,000 and 2,000 shares of Class A capital stock of said Transfer Company. In addition the Transit Company proposes to transfer without any additional consideration certain office furniture and equipment. The payment of the said \$6,000 is to be secured by a chattel mortgage on said certificate.

R. H. Austin and Bess Austin, co-partners, doing business as Austin and Austin, are the owners of a certificate of public convenience and necessity originally issued in Application No. 1382. The said certificate authorizes the transportation of milk, cream and dairy products from territory described in said certificate to Denver. The said certificate was thereafter, by order of the Commission, cancelled as to certain originating territory.

Authority is now sought herein to transfer that portion of said certificate, as it now stands, which relates to and authorizes the transportation of said products to Denver from the following described territory and along the routes stated:

"Beginning in the City of Boulder, Colorado; thence Northwesterly to the NW corner of Section 30, Twp. 1 North, Range 70 West; thence North to the NW corner of Section 7, Twp. 1 North, Range 70 West; thence East to the NE corner of Section 9, Twp. 1 North, Range 69 West; thence South to the SE corner of Section 9, Twp. 1 North, Range 69 West;

thence East to the North quarter corner of Section 15, Twp. 1 North, Range 69 West, being a point on the paved highway between Longmont, Colorado, and Lafayette, Colorado, known as Highway No. 285; thence South along said highway to the South quarter corner of Section 27, Twp. 1 North, Range 69 West; thence West to the NE corner of Section 36, Twp. 1 North, Range 70 West; thence South to the SE corner of Section 36, Twp. 1 North, Range 70 West; thence West to the SW corner of Section 31, Twp. 1 North, Range 70 West; thence North to the NW corner of Section 30, Twp. 1 North, Range 70 West; and from any point in said described territory to Denver, Colorado, known as the Boulder direct route."

The said Austins propose to sell, in connection with the transfer of a portion of said certificate last mentioned, to the Transfer Company three trucks at a price of \$6,100, the payment of which is to be secured by two chattel mortgages. In addition to the notes for the \$6,100 the Transfer Company proposes to issue 5,000 shares of its Class C capital stock.

It might be stated that the total authorized amount of Class A common stock is 15,000 shares, the total authorized amount of Class B stock is 5,000 shares, and the total authorized amount of Class C stock is 5,000 shares. The par value per share of each of the three classes is \$1.00. The holders of the Class A stock will be interested in the operation conducted under the certificate issued originally in Application No. 681. The holders of the Class B stock will be interested only in the operation conducted pursuant to the lease of the certificate originally issued in Application No. 291, and the holders of Class C stock will be interested only in the operation conducted under that portion of the certificate issued in Application No. 1382, which is herein authorized to be transferred.

While the Transfer Company will own the two certificates, hold a lease on the third, and have legal title to all the physical assets to be transferred to it, it will in effect be conducting three separate operations for the benefit of three sets of stockholders. It will thus be necessary to keep separate the revenue and expenses incident to each operation and to allocate common overhead and other expenses applicable to all three operations. We thus have a rather unusual

situation. However, the new arrangement has certain advantages over the old and we see no serious, practical objection to the proposed plans.

The proposed plans include the assumption by the Transfer Company of all liability for all operations under the certificates of public convenience and necessity to be leased and transferred as herein set out, and the relief of all prior owners of said certificates from the burdens imposed therein on such prior owners.

The evidence shows that the various considerations to be paid by the transferee are reasonable.

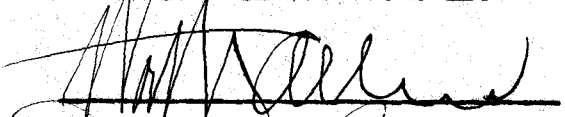
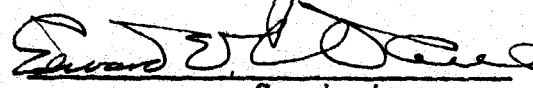
After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to the applicants to make the lease and transfers sought to be made, under the terms and conditions hereinbefore stated.

#### O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to the applicants to make the lease and transfers sought to be made, under the terms and conditions hereinbefore stated.

IT IS FURTHER ORDERED, That the tariff of rates and rules and regulations of lessor and transferors shall become and remain those of the transferee and lessee until and unless they are changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of December, 1932.



603  
11/28  
( Decision No. 4738 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALVIN L. MUSSER. )  
-----

CASE NO. 968

-----  
December 19, 1932  
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S T A T E M E N T

By the Commission:

An order was made herein by the Commission on November 18, granting a stay of the order until thirty days after the effective date thereof. The Commission is now in receipt of a letter from Nathan H. Creamer, Esq., attorney for said Musser, advising the Commission of an agreement which he has had with Otto Bock, Esq., representing a client with whom Musser has been operating in competition, in which he says that he and Mr. Bock have agreed that the Commission may stay its order herein for an additional thirty days, so that in the meantime the said Musser may have an opportunity to secure a stay by the District Court of the City and County of Denver.

O R D E R

IT IS THEREFORE ORDERED, That pursuant to the agreement of the interested parties, as above stated, the effective date of the order of the Commission made herein be, and the same is hereby, stayed for a period of thirty days beyond the period of the stay already granted by the Commission in its order of November 18.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*W. H. Allen*  
*Dan S. Jones*  
*Dan E. C. Jones*  
Commissioners

Dated at Denver, Colorado,  
this 19th day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE PERMIT ISSUED )  
TO F. C. WILLIAMS. )  
----- )

PERMIT NO. 305-A

-----  
December 23, 1932  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from the said F. C. Williams, to whom a Class A private motor vehicle permit has been issued, saying that he is not now operating as a private carrier except as one chiefly engaged in farming and hauling intermittently for his neighbors.

We are of the opinion, therefore, that the said permit should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 305-A, heretofore issued to F. C. Williams, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

W. H. Allen  
Dan S. Jones  
Edward J. O'Brien  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
S. G. DUNGER. )

Application No. 1351

-----  
December 23, 1932  
-----

S T A T E M E N T

By the Commission:

We are in receipt of a letter from S. G. Dunger, the holder of a certificate of public convenience and necessity issued in the above numbered application, asking for a suspension of his certificate due to the inability to carry insurance at the present time.

We are of the opinion, and so find, that such suspension should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to S. G. Dunger in Application No. 1351 be, and the same is hereby, suspended until such time as the said S. G. Dunger shall file with the Commission such insurance as is required by the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

W. H. Allen  
Sam S. Jones

Edward E. O'Donoghue  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. M. ALIRE FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
OPERATE A PASSENGER SERVICE FROM )  
GARCIA, COLORADO, TO ANY POINT )  
WITHIN THE STATE OF COLORADO. )

APPLICATION NO. 2022

December 23, 1932

Appearances: Mr. J. M. Alire, Garcia, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Applicant seeks authority to establish a motor vehicle service for the transportation of passengers and their hand baggage from Garcia, Colorado, to any point within the State of Colorado. He does not propose to operate on schedule and his service would be of the nature of an irregular or a call and demand operation.

Garcia is a town of approximately 600 population located in Costilla County eighteen miles south of San Luis, the county seat. Jarosa, which is six miles west of Garcia, is the nearest railroad point.

The evidence disclosed that a large portion of applicant's business would be derived from transporting passengers from Garcia to Jarosa and meeting passengers who would get off the train at Jarosa and transporting them to Garcia or other points of destination. At the present time no other certificated carrier is operating from either Jarosa or Garcia.

Applicant is the owner of a five-passenger Chevrolet coach valued at approximately \$400, against which no indebtedness exists. His financial standing and reliability were established to the satisfaction of the Commission.

No one appeared in opposition to the granting of the certificate sought by applicant.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed motor vehicle operation of applicant, J. M. Alire, for the trans-

portation of passengers and their hand baggage between Garcia and any point within the State of Colorado upon call and demand, subject to the conditions hereinafter stated.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of applicant for the transportation of passengers and their hand baggage between Garcia and any point within the State of Colorado, upon call and demand, subject to the following conditions, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor:

(a) Applicant shall not operate on schedule between any points.

(b) Applicant shall not be permitted, without further authority from this Commission, to establish a branch office or to have any agent employed in any other town or city than Garcia for the purpose of developing business.)

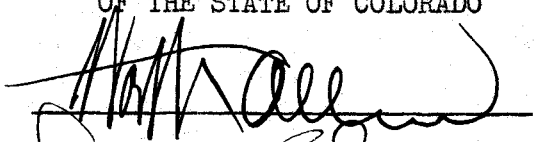
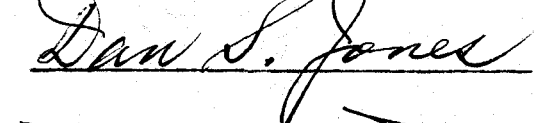
(c) Jurisdiction of application herein shall be, and the same is hereby, retained to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers, and at the same time to allow the applicant reasonable latitude in the carrying on of his business as it may develop in the future.


IT IS FURTHER ORDERED, That applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or

to be hereafter adopted by the Commission with respect to any future action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD DODGE. )  
-----

CASE NO. 1072

-----  
December 23, 1932  
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Appearances: Messrs. E. E. Anderson and James Patrick Moran,  
Denver, Colorado, for Montgomery-Ward & Company.

S T A T E M E N T

By the Commission:

An order was made by the Commission requiring the respondent, Harold Dodge, to show cause why his certificate of public convenience and necessity should not be suspended or revoked for failure to handle a C.O.D. shipment according to directions and in compliance with Rule No. 37 of the Commission.

A hearing was had at which the respondent did not appear, although he telephoned to the Commission from his home that the shipment in question was one which had been sold to him.

The information showed that explicit instructions had been given to Dodge not to deliver the shipment of goods in question to the person who was to use the same until such person had paid Dodge the amount of money named by the shipper, which said amount of money was to be turned over to the shipper in accordance with its instructions. The evidence further showed that said Dodge had made delivery of said freight without making collection as required and that he had since paid to the shipper \$159.35, leaving a balance of \$150.00, which is still due the shipper.

In spite of the contention, proved by the evidence, that the respondent had violated instructions of the shipper, the latter was desirous of giving the respondent an opportunity to make payment of the balance due, with a warning that any repetition of the conduct in question would result in revocation of the respondent's certificate.

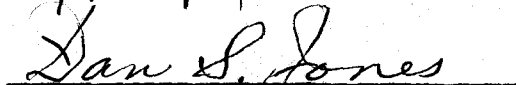
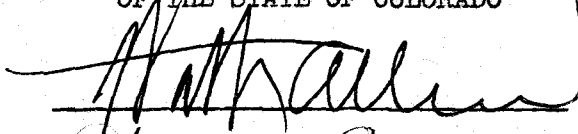
We have, therefore, concluded to continue the case, giving the respondent an opportunity to make payment of the total amount due the

shipper. We shall later consider what further action should properly be taken.

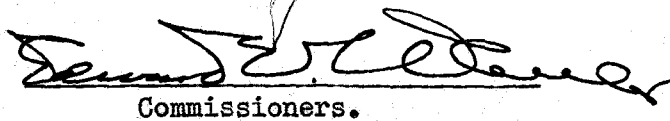
O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, continued indefinitely.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dan S. Jones



Commissioners.

Dated at Denver, Colorado,  
this 23rd day of December, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

WATER USERS OF STARBUCK WATER  
PLANT OF IDLEDALE, COLORADO,

Complainants,

vs.

J. C. STARBUCK,

Defendant.

CASE NO. 1060

December 27, 1932

S T A T E M E N T

By the Commission:

The Commission heretofore made an order requiring J. C. Starbuck to satisfy the matters complained of in the complaint filed against him or to answer said complaint. The matter has since been the subject of considerable negotiation and a number of conferences conducted and held by our Hydraulic Engineer and others. The said engineer now advises us that the water system has been sold by Mr. Starbuck and that arrangements have been made by the purchaser of the said system for the satisfactory adjustment of the complaint herein.

We are, therefore, of the opinion, and so find, that the above entitled case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*

*[Signature]*  
Dan S. Jones

*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY FOR AUTHORITY TO )  
SUBSTITUTE MOTOR VEHICLE SERVICE FOR )  
MIXED TRAIN SERVICE BETWEEN GUNNISON, )  
COLORADO, AND CRESTED BUTTE, COLORADO. )  
-----

APPLICATION NO. 2056 ✓

IN THE MATTER OF THE APPLICATION OF )  
RIO GRANDE MOTOR WAY, INC., FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY FOR THE TRANSPORTATION OF )  
PASSENGERS, BAGGAGE, MAIL, EXPRESS AND )  
PACKAGE FREIGHT BY MOTOR VEHICLE BE- )  
TWEEN GUNNISON AND CRESTED BUTTE, )  
COLORADO, AND INTERMEDIATE POINTS. )  
-----

APPLICATION NO. 2057

-----  
December 24, 1932.  
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Appearances: T. A. White, Esq., Denver, Colorado,  
attorney for applicants;  
Stone and Conour, Esqs., Gunnison, Colorado,  
attorneys for Town of Crested Butte and  
County of Gunnison;  
Nourse and Dutcher, Esqs., Gunnison, Colorado,  
attorneys for Town of Gunnison.

S T A T E M E N T

By the Commission:

In Application No. 2056, The Denver and Rio Grande Western Railroad Company seeks authority to substitute motor vehicle service through its subsidiary, Rio Grande Motor Way, Inc., for its present mixed train service between Gunnison and Crested Butte, Colorado. In Application No. 2057, said Rio Grande Motor Way, Inc., seeks a certificate of public convenience and necessity to operate between Gunnison and Crested Butte and intermediate points. The two applications were consolidated for hearing.

The evidence disclosed that The Denver and Rio Grande Western Railroad Company now operates a mixed train daily in each direction between Gunnison and Crested Butte, a distance of 27.7 miles, all located in the county of Gunnison. Crested Butte is a town of approximately 1200 population and its

chief industry is that of coal mining. The schedule of the present train service is as follows:

Leave Gunnison	11:30 AM	Arrive Crested Butte	1:00 PM
Leave Crested Butte	2:30 PM	Arrive Gunnison	4:30 PM

The present passenger service on the main line of the applicant's narrow-gauge road extending from Salida to Grand Junction, consists of a daily train each way, the westbound train arriving in Gunnison at 10:59 A. M. and the eastbound train arriving at 7:15 P.M. The Crested Butte train consists of one baggage car, a combination car and such freight cars as the traffic requires. The proposed bus operation would connect with the main line trains, leaving Gunnison for Crested Butte at 11:15 A.M. and arriving at Gunnison from Crested Butte at 5:00 P.M., although this schedule is tentative and it is possible that the bus would not leave Crested Butte until 5:00 P.M., arriving in Gunnison at 6:30 P.M., which would permit the closing of the eastbound mail at Crested Butte at a later hour of the day.

The total branch revenue for the year 1931 on the Crested Butte line amounted to the sum of \$44,372.66, and \$38,131.40 of this amount was revenue received for freight forwarded from Crested Butte. This freight consists largely of coal shipped from Crested Butte and constitutes 98.6 per cent of the total freight handled. Applicant estimates that a total of 147 trips per year will be saved if the proposed motor bus substitution is permitted. At an estimated expense of \$66.45 per trip, this would result in an operating saving of \$9,768.15.

It is further estimated that the operation of the bus would cost approximately \$350.00 per month, and, assuming that same could operate eight months in the year, the net saving to the railroad company would be approximately \$7,000.00 per annum.

Applicant The Denver and Rio Grande Western Railroad Company proposes to maintain its daily mixed train service between Gunnison and Crested Butte at any and all times when the highway is blocked for travel, and if the substitution herein prayed for is granted, it proposes to operate such irregular freight service as may be required to reasonably meet the demands of freight traffic originating at or destined to Crested Butte. The principal coal operators at Crested Butte expressed their willingness to have the proposed bus operation installed.

Since the hearing in said case, a letter has been received from the attorney representing the Town of Crested Butte and the County of Gunnison practically withdrawing any opposition to the granting of the authority sought in the instant applications, with certain reservations in regard to the operation of the substituted service, the questions of keeping the railroad station open at Crested Butte, the handling of the coal shipments, and suggesting that any order entered be made only for an experimental period of one year. In view of this letter and the reply thereto, which has been submitted by the attorney for applicant, we feel that a detailed discussion of the evidence will not be necessary. It was apparent from the testimony offered on behalf of protestants that no substantial objection existed against the proposed substitution of service, except that it was contended that the bus could not operate during the winter months, and it is now apparent that if a condition is inserted in the order providing that mixed train service be reinstated when motor service is impossible, this objection will be eliminated. We feel that an experimental period of one year is not necessary, as train service can always be reinstated if found to be required.

Rio Grande Motor Way, Inc., proposes to place in operation a Mack combination bus with a capacity of between six and ten passengers and with a freight compartment capable of handling between three and four tons.

The financial ability of said Rio Grande Motor Way, Inc., to conduct the proposed operation, as well as its experience in conducting similar operations throughout the State of Colorado, were established to the satisfaction of the Commission.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that in Application No. 2056, The Denver and Rio Grande Western Railroad Company should be granted authority to substitute motor transportation service to be rendered by Rio Grande Motor Way, Inc., its subsidiary, for its present mixed train service between Gunnison and Crested Butte, Colorado, subject to the conditions hereinafter stated.

The Commission is further of the opinion, and so finds, that in Application No. 2057 the public convenience and necessity require the proposed motor vehicle operation of Rio Grande Motor Way, Inc., for the transportation of passengers, baggage, mail, express, and less than carload freight between Gunnison and Crested Butte, Colorado, and intermediate points.

O R D E R

IT IS THEREFORE ORDERED, That in Application No. 2056, The Denver and Rio Grande Western Railroad Company be, and it is hereby, authorized to substitute motor vehicle service, to be rendered by Rio Grande Motor Way, Inc., its subsidiary, for its present mixed train service between Gunnison and Crested Butte, Colorado, subject to the following conditions:

(a) During such portions of the year and upon any day when the highway between Gunnison and Crested Butte is impassable for bus operation, applicant shall reinstate and operate its daily mixed train service between Gunnison and Crested Butte as now conducted.

IT IS FURTHER ORDERED, That in Application No. 2057, Rio Grande Motor Way, Inc., be, and it is hereby, authorized to operate a motor vehicle service for the transportation of passengers, baggage, ~~express~~ and l.c.l. freight between Gunnison and Crested Butte, Colorado, and intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following conditions:

(a) Such operations shall be conducted each way daily so long as weather and road conditions permit, and the present railroad depot at Crested Butte shall be used as the terminal for said bus operations.

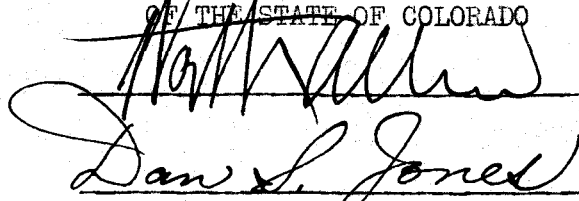
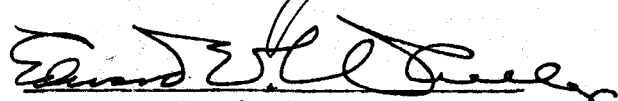
(b) Such operations shall be coordinated with the present truck service conducted by applicant between Grand Junction and Gunnison under a through rate to Crested Butte, and through rates shall likewise apply on all l.c.l. shipments, as well as passengers, handled by said applicant from Gunnison to Crested Butte with no extra charges over the present all rail movement.

IT IS FURTHER ORDERED, That applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to

compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to any future action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan L. Jones  
  
Edward E. Green  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE DENVER AND RIO GRANDE )  
WESTERN RAILROAD COMPANY TO CLOSE )  
ITS AGENCY STATION AT VILLA GROVE, )  
COLORADO. )  
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INVESTIGATION AND SUSPENSION  
DOCKET NO. 192

-----  
December 28, 1932.  
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Appearances: T. A. White, Esq., Denver, Colorado,  
attorney for applicant;  
Robert R. Tarbell, Esq., Saguache, Colorado,  
attorney for protestants.

S T A T E M E N T

By the Commission:

Applicant seeks authority to close its agency station at Villa Grove in the County of Saguache, Colorado, upon the ground that the expense of maintaining said station is not justified by the revenue realized therefrom.

Villa Grove is located on the narrow gauge line of applicant extending from Salida to Alamosa, Colorado, via Mears Junction. It is approximately 30 miles south of Salida and 18 miles north of Moffat, which are the nearest agency stations, except that during a portion of the year an agent is maintained at Mineral Hot Springs some 6 or 7 miles south of Villa Grove.

On the part of applicant, the evidence disclosed that the total revenue received at Villa Grove for the year 1931 amounted to \$6,602.55, and for the first nine months of the year 1932 amounted to \$2,800.41. Prior to the year 1931, said revenue amounted to the following: 1927, \$28,348.35; 1928, \$30,697.15; 1929, \$28,421.83; 1930, \$15,535.98. From January 1931, to September 30, 1932, the carload freight revenue out of Villa Grove amounted to \$4,685.41, while the l.c.l. freight out of Villa Grove amounted to \$86.29. During the same period, the carload freight received at Villa Grove amounted to \$1,142.08, while the l.c.l. freight received amounted to \$399.95.

From these figures, it is apparent that the revenue of the Villa Grove station is substantially all received from carload shipments. Milk and cream shipments from Villa Grove are quite limited, as they totaled only sixty in number for the first nine months of 1932 and produced a revenue for applicant of only \$18.88 for said period.

No passenger service is furnished from Salida, as the passenger traffic is handled by Rio Grande Motor Way, Inc., a subsidiary of applicant. The total express shipments into and out of Villa Grove for the first nine months of 1932 were 111 and produced a revenue to applicant of \$186.07. The cost of maintaining the Villa Grove agency station has averaged \$127.16 per month for the first nine months of 1932.

Applicant also introduced exhibits showing a deficit in its net income for its entire system for the year 1931 of \$225,651.96, while for the first nine months of 1932 its net income deficit amounts to \$2,979,214.30.

On behalf of protestants, it was maintained that if the Villa Grove station is closed, it will mean that between Salida and Moffat, a distance of approximately 46 miles, no agency station would be maintained, which would cause considerable inconvenience to those shippers located between said points. A large number of shippers testified to the inconvenience and trouble which would be incurred by them provided they were required to go to either Moffat or Salida to bill their shipments. These shipments at the present time consist largely of hay and livestock, together with some potatoes and other commodities.

It was further disclosed, however, that at the present time no market exists for the hay crop and it is problematical when the same can be moved.

Applicant agreed that cars could be ordered through the drivers of the busses operated by Rio Grande Motor Way, Inc., and this to some extent might help the situation so far as ordering of cars would be concerned. If, however, a shipper desires a signed waybill for his shipment, it will be necessary that he go to either Salida or Moffat to obtain the same, and we realize fully that this means considerable annoyance and inconvenience for the shippers in that territory. It is also true that all shipments of freight into Villa Grove would have to be prepaid.



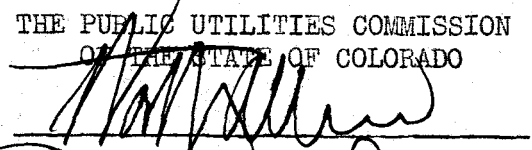
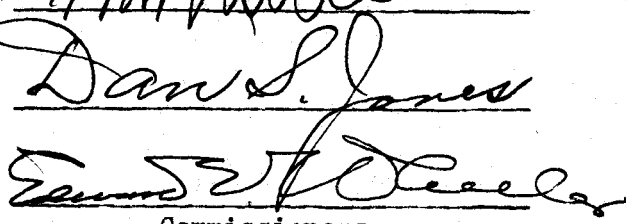
We are called upon to determine whether this annoyance and inconvenience on the part of the shippers is sufficient to offset the saving of approximately \$1,500 per year to the applicant if permitted to close said station. In view of the very precarious financial condition of applicant, with an estimated net income deficit for the present year of nearly \$3,000,000, we feel that it is entitled to effect all reasonable operating economies so long as the public receives reasonable service. To take any other position might, in our opinion, jeopardize the continued operation of our railroads and particularly of the narrow gauge branch lines of applicant. The fact that authority may be granted applicant to discontinue this agency station does not mean that, if business conditions again improve to a point where an agent would be justified at Villa Grove, this Commission would not require applicant again to install an agent at said point.

After careful consideration of all the record, the Commission is of the opinion, and so finds, that the public convenience and necessity does not require applicant to maintain an agency station at Villa Grove, and that authority should be granted to applicant to close said agency station at Villa Grove on the 15th day of January, 1933.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Denver and Rio Grande Western Railroad Company, applicant herein, to close its agency station at Villa Grove, Colorado, effective January 15, 1933.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
David S. Jones  
  
\_\_\_\_\_  
Edmund J. Decker  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of December, 1932.

(Decision No. 4746)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF FRANK BARTLETT FOR TRANSFER OF )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO WES V. McKAUGHAN )  
AND LEWIS LITTLE, CO-PARTNERS, )  
DOING BUSINESS UNDER THE FIRM NAME )  
AND STYLE OF McKAUGHAN AND LITTLE. )  
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APPLICATION NO. 1637-A.

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December 24, 1932.  
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Appearances: D. A. Maloney, Esq., Denver, Colorado,  
attorney for applicants.

S T A T E M E N T

By the Commission:

Frank Bartlett seeks authority to transfer the certificate of public convenience and necessity, heretofore issued to him in Application No. 1637, to Wes V. McKaughan and Lewis Little, doing business as McKaughan and Little.

The evidence disclosed that transferees are paying the sum of \$300.00 in cash for said certificate. No equipment is being transferred. It was further disclosed that transferees have ample equipment to carry on the operations of the transferor, and their financial standing and reliability were established to the satisfaction of the Commission. A copy of the partnership agreement under which transferees will operate was filed in evidence. No one appeared in opposition to the proposed transfer.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

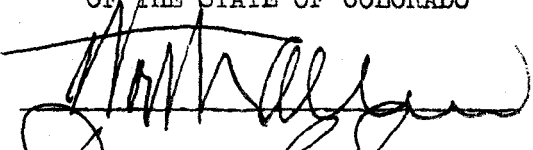
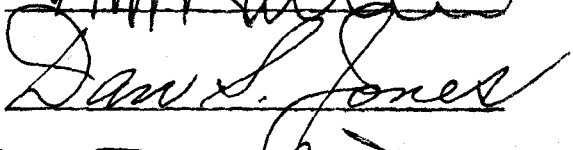
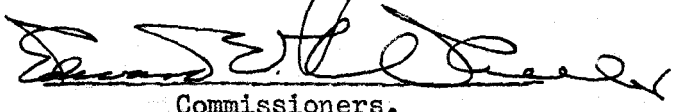
O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Frank Bartlett to transfer the certificate of public convenience and necessity, heretofore issued to him in Application No. 1637, to Wes V. McKaughan and Lewis Little, doing business under the firm name and style of McKaughan & Little.

IT IS FURTHER ORDERED, That the authority herein granted shall not become effective until the necessary insurance policies or surety bond required by our Rules and Regulations shall have been filed by the transferees with this Commission.

IT IS FURTHER ORDERED, That authority is hereby granted to the transferees to file a new schedule of reduced rates in lieu of those now on file in the office of the Commission, within twenty days of the date of this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of December, 1932.

✓

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A-80

(Decision No. 4747)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. A. JOHNSON. )  
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PERMIT NO. A-80

-----  
December 24, 1932.  
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S T A T E M E N T

By the Commission:

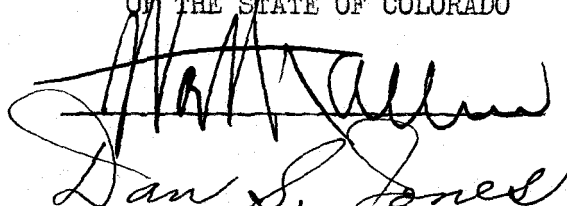
The Commission is in receipt of a letter from J. A. Johnson of Colorado Springs, advising us that he ceased operating his truck on the last day of June, 1932, and requesting that his permit be suspended indefinitely.

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

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-80, heretofore issued to said J. A. Johnson, be, and the same is hereby, suspended indefinitely or until a further order of the Commission herein, and that said suspension date from July 1, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones

Dated at Denver, Colorado,  
this 24th day of December, 1932.

  
Commissioners.

(Decision No. 4749)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF SAM L. RODGERS, DOING BUSINESS )  
AS BROADWAY MOVING AND STORAGE )  
COMPANY, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY. )  
-----

APPLICATION NO. 2061

-----  
December 30, 1932  
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Appearances: James R. Hoffman, Esq., Denver, Colorado,  
attorney for applicant;  
J. F. Rowan, Denver, Colorado, Executive  
Secretary, Colorado Transfer and  
Warehousemen's Association.

S T A T E M E N T

By the Commission:

Sam L. Rodgers, doing business as Broadway Moving and Storage Company, filed an application for a certificate of public convenience and necessity authorizing the conduct of a transfer, moving and general cartage business by motor vehicle regularly in the City and County of Denver and in the counties of Adams, Arapahoe and Jefferson, and occasionally throughout the State of Colorado and each of the counties thereof.

The application came on for hearing after numerous persons whom the Commission thought might be interested had been duly notified. Prior to the hearing no protest whatever had been filed. At the hearing nobody appeared in opposition to the granting of the certificate. The applicant at the hearing made a prima facie case by showing repeated and frequent demands for his service and by testimony that the public convenience and necessity require such service.

Thereafter, a petition was filed by Colorado Transfer and Warehousemen's Association for the reopening of the case.

The showing in said petition was not very strong, a statement being made that a notice from the Commission as to the date of hearing "through an error in recording," had been "over-looked". However, the order for the

reopening was made and the matter was set down for further hearing. At the further hearing the new evidence consisted solely of the number of Denver operators now rendering the same kind of service as the applicant seeks authority to render. There was no showing of the ability of the present certificated carriers adequately to take care of all the business.

It has been the uniform practice of the Commission in applications of this sort to rely on those certificated operators who would be affected by the granting of a new certificate to make their showing in opposition. This practice certainly works no hardship when, as we understand is true in this case, those interested have one or more full-time employees, who, while not lawyers, can in our informal hearings make such proof as is usually deemed material. It may be that in the future the Commission will have to consider making proof on its own account in opposition to such applications. However, such has not yet been and is not now the practice.

The applicant has agreed that if a certificate of public convenience and necessity is issued to him he will at all times charge the rates of the members of the Colorado Transfer and Warehousemen's Association which are on file with this Commission and in lawful force and effect. He agreed further, through his attorney, that if a certificate is issued it might be made non-assignable.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the applicant made a prima facie showing of public convenience and necessity and that said showing was not overcome by the evidence thereafter introduced on behalf of Colorado Transfer and Warehousemen's Association, and that the public convenience and necessity require the proposed motor vehicle operation of the applicant for the conduct of a transfer, moving and general cartage business in the City and County of Denver and in the counties of Adams, Arapahoe and Jefferson, and occasionally throughout the State of Colorado and each of the counties thereof, subject to the terms and conditions hereinafter named, which the Commission finds the public convenience and necessity require.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operation of the applicant Sam L. Rodgers, doing business as Broadway Moving and Storage Company, for the (conduct of a transfer, moving and general cartage business in the City and County of Denver and in the counties of Adams, Arapahoe and Jefferson, and occasionally throughout the State of Colorado and each of the counties thereof, subject to the following conditions,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor:

(a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by the scheduled carriers.

(b) The applicant shall not operate on schedule between any points.

(c) The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Denver for the purpose of developing business.

✓ (d) The certificate of public convenience and necessity herein granted shall not be assignable.

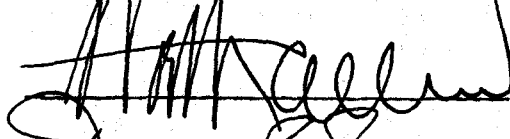
(e) Jurisdiction of the application herein shall be, and the same is hereby, retained to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicants upon the field of business occupied by the scheduled carriers, and at the same time to allow the applicants reasonable latitude in the carrying on of their business as it may develop in the future.

IT IS FURTHER ORDERED, That applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within


a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
H. M. Allen

  
David Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1932.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE WESTERN COLORADO POWER COMPANY )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY. )

APPLICATION NO. 2081

-----  
December 30, 1932.  
-----

Appearances: George R. Corey, Esq., Salt Lake City, Utah,  
attorney for applicant;  
Grant, Ellis, Shafroth and Toll, Esqs., Denver,  
Colorado, attorneys for Gunnison Valley  
Power Company.

S T A T E M E N T

By the Commission:

Applicant seeks authority to exercise franchise rights granted by the Town of Hotchkiss, Delta County, Colorado, authorizing the distribution and sale of electric energy therein. It also seeks authority to construct a line approximately two miles in length which will connect the present terminus of the Rogers Mesa line of applicant with the Town of Hotchkiss, the estimated expense of said connecting line being \$3,500.

The Western Colorado Power Company is the owner of and operates an inter-connected hydro-electric system in southwestern Colorado, extending from Durango north through Silverton, Ouray, Montrose and Delta to Paonia, thence east to what is known as the Oliver steam power plant. It also serves what is known as the Rogers Mesa district, which is practically contiguous territory to the Town of Hotchkiss. The towns of Hotchkiss and Crawford and intermediate territory have been heretofore served by Gunnison Valley Power Company, and an agreement of sale has been entered into by Gunnison Valley Power Company and The Western Colorado Power Company whereby the latter is purchasing the distribution system of the former in the Hotchkiss-Crawford area for \$25,000. The franchise rights granted to applicant by the Town of Hotchkiss under Ordinance No. 82, passed and approved December 19, 1932, grants to applicant authority and the right to

supply electricity to said town and the inhabitants thereof, together with authority to maintain and operate a distribution system, until October 31, 1957, and under said franchise applicant proposes to put into effect within the town of Hotchkiss the same rates for electric service as are now charged by applicant in the town of Paonia. In fact, said ordinance provides that during the term of the franchise granted therein, rates for service within the town of Hotchkiss shall not at any time exceed the charges for like service in the town Paonia, although it is stated that all charges are subject to the control and jurisdiction of this Commission.

The Articles of Incorporation of applicant which were introduced in evidence in Case No. 24 were made a part of the record in the instant case, as well as the evidence submitted in Application No. 1935 relative to applicant's financial condition.

It is apparent to the Commission that with its interconnected system, applicant is in a favorable position to furnish electric service to the town of Hotchkiss, and with the removal of Gunnison Valley Power Company from said district, no other utility is in position to effectually serve said community.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require the exercise by the applicant of the franchise rights granted to it by the Town of Hotchkiss under Ordinance No. 82, passed and approved December 19, 1932, and the construction of a connecting line approximately two miles in length from the present terminus of its Rogers Mesa line to the Town of Hotchkiss, subject to the condition hereinafter stated, which the Commission finds the public convenience and necessity require.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by applicant, The Western Colorado Power Company, of the franchise rights granted to it by the Town of Hotchkiss under Ordinance No. 82,

passed and approved December 19, 1932, and the construction of a connecting line approximately two miles in length from the present terminus of its Rogers Mesa line to the Town of Hotchkiss, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file such new rate schedules, rules and regulations as it intends to apply in the territory covered by this application, within twenty days from the date hereof. *file 12/31/33 HBD*

IT IS FURTHER ORDERED, That the applicant shall set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respect bring its practices as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF GUNNISON VALLEY POWER COMPANY )  
FOR AUTHORITY TO TRANSFER CERTIF- )  
ICATES OF PUBLIC CONVENIENCE AND )  
NECESSITY TO THE WESTERN COLORADO )  
POWER COMPANY. )

✓  
APPLICATIONS NOS. 1103-A, 1107-A,  
1283-A and 1752-A

-----  
December 30, 1932.  
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Appearances: George R. Corey, Esq., Salt Lake City, Utah,  
attorney for The Western Colorado Power Company;  
Grant, Ellis, Shafroth and Toll, Esqs., Denver,  
Colorado, attorneys for Gunnison Valley  
Power Company.

S T A T E M E N T

By the Commission:

Authority is sought by Gunnison Valley Power Company to transfer to The Western Colorado Power Company those certain certificates of public convenience and necessity now owned by the said Gunnison Valley Power Company and heretofore issued by this Commission in Applications Nos. 1103 and 1107, said certificates having been issued originally to Charles D. Shryock, doing business as Hotchkiss Electric Company. Thereafter, under an order of the Commission dated March 26, 1929, in Application No. 1283-A, the transfer of said certificates to Gunnison Valley Power Company was approved by this Commission. Further authority is sought to transfer that certain certificate granted February 21, 1931, to Gunnison Valley Power Company in Application No. 1752.

The evidence disclosed that The Western Colorado Power Company owns and operates an interconnecting hydro-electric system in southwestern Colorado, extending from Durango, Colorado, on the south to Austin, Colorado, on the north, then easterly to Paonia and what is known as the Oliver power plant, which is a steam plant a few miles east of Paonia. Between Austin and the Oliver power plant, a line is taken off to serve what is known as the Rogers Mesa area. Gunnison Valley Power Company is now operating a Diesel

engine generating plant in the town of Hotchkiss, Colorado, and it renders electric service to both the town of Hotchkiss and the town of Crawford, said towns being connected by a 6600-volt line.

The evidence further disclosed that an agreement has been entered into between Gunnison Valley Power Company and The Western Colorado Power Company, whereby the latter is purchasing from the former all of its property in the Hotchkiss and Crawford area, except the Diesel engine generators, appurtenant property, and stores and supplies. The total purchase price to be paid for said property is \$25,000, of which amount \$5,000 is to be paid in cash and the balance in 48 monthly installments.

If approval of the transfer of these certificates is obtained, The Western Colorado Power Company will take over the property as of January 1, 1933, and will construct a connecting line from the present terminus of the Rogers Mesa line to the town of Hotchkiss, and will thereafter render service in both Hotchkiss and Crawford from its interconnected system. It proposes to put into effect in the Hotchkiss and Crawford area rates identical with those which it now charges in the town of Paonia and contiguous territory. The estimated cost of constructing said connecting line from the terminus of the Rogers Mesa line to the town of Hotchkiss is \$3,500.00.

The evidence introduced in Application No. 1935 as to the financial condition of The Western Colorado Power Company and its annual statement of December 31, 1931, were both made a part of the record in the instant case. It further developed that the financial condition of said company had not materially changed since the time the evidence was given in said Application No. 1935, except that earnings had declined to about the extent estimated at the time of said hearing.

The proposed sale from the Gunnison Valley Power Company to The Western Colorado Power Company is conditioned upon obtaining the approval of this Commission of the transfer of the certificates of convenience and necessity heretofore mentioned and the obtaining of a franchise from the Town of Hotchkiss by The Western Colorado Power Company, and also the dismissal without prejudice by this Commission of Case No. 702 and Application No. 1868.

The evidence disclosed that such franchise has been obtained from the Town of Hotchkiss by The Western Colorado Power Company.

The establishment of rates for electric service in the Hotchkiss and Crawford territory identical with those now charged by The Western Colorado Power Company in Paonia and contiguous territory, means a very substantial reduction to the consumers in the Hotchkiss and Crawford territory, and, as has been pointed out in previous decisions of this Commission, we feel that a much more economical service can be conducted by The Western Colorado Power Company in the territory involved than has been the condition heretofore with both companies operating in said territory.

After careful consideration of all the record the Commission is of the opinion, and so finds that authority should be granted to Gunnison Valley Power Company to transfer to The Western Colorado Power Company those certain certificates of public convenience and necessity hereinafter described.

#### O R D E R

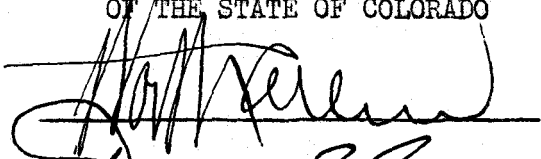

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Gunnison Valley Power Company to transfer and convey to The Western Colorado Power Company those certain certificates of public convenience and necessity heretofore issued in Applications Nos. 1103, 1107 and 1752.

IT IS FURTHER ORDERED, That Case No. 702 and Application No. 1868 be, and the same are hereby, dismissed without prejudice.

IT IS FURTHER ORDERED, That authority be, and the same is hereby, granted to the transferee to file a new schedule of reduced rates in lieu of those of transferor now on file with the Commission, within twenty

days from the date of this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Dan S. Jones  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM M., J. N. AND E. J. EDGAR, ) CASE NO. 978  
DOING BUSINESS AS EDGAR BROTHERS. )  
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December 31, 1932.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 14, 1932, the Commission entered its order requiring respondents to show cause why the certificate of public convenience and necessity heretofore issued to them should not be suspended or revoked, due to their failure to make monthly reports, pay highway compensation taxes, and file the necessary insurance policy or surety bond required by our rules and regulations.

At the hearing, the evidence disclosed that respondents had failed to make monthly reports for the period October 1, 1931, to August 31, 1932, inclusive, and that highway compensation taxes were unpaid for the months of July, August and September, 1931, in the sum of \$27.26, and also that respondents had failed to file any insurance policy or surety bond. Although due notice of said hearing was served upon respondents, no communication has been received from them to explain their delinquencies in the above matters.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry.



However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to William M., J. N. and E. J. Edgar, doing business as Edgar Brothers, should be merely suspended for a period of six months from this date.

If, in the meantime, respondents will file all highway compensation tax reports due, pay all such taxes, file the necessary insurance policies or surety bond as required by law, and file a written statement to the effect that they have not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

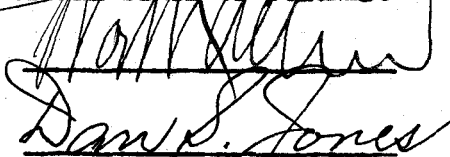
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to William M., J. N. and E. J. Edgar, doing business as Edgar Brothers, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

Dated at Denver, Colorado,  
this 31st day of December, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
David S. Jones

  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HARRY L. CROSBY. )  
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CASE NO. 979

-----  
December 31, 1932.  
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Appearances: E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 14, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him, should not be revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond as required by our rules and regulations.

At the hearing, it was disclosed that respondent had failed to make monthly reports for the months September to December, 1931, inclusive, and January to August, 1932, inclusive; that highway compensation taxes were unpaid for the month of August, 1931, in the sum of \$10.32, and also that respondent had failed to file the necessary insurance policy or surety bond as required by law. Although due notice of said hearing was served upon respondent, no communication has been received from him to explain his delinquencies in the above matters.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the

statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity, heretofore issued to Harry L. Crosby in Application No. 1463, should be merely suspended for a period of six months from this date.

If, in the meantime, respondent will file all highway compensation tax reports due, pay all such taxes, file the necessary insurance policies or surety bond as required by law, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

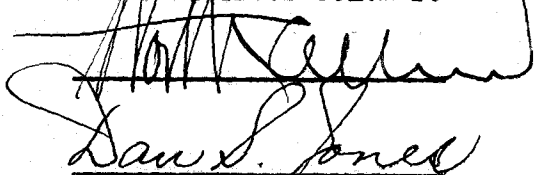
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Harry L. Crosby in Application No. 1463, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

Dated at Denver, Colorado,  
this 31st day of December, 1932.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Sam S. Jones

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD DODGE. ) CASE NO. 1081

-----  
January 3, 1933.  
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S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, in Application No. 1218, authorizing his operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

July, August, September, ~~October~~ and November, 1932.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1930	August	\$3.51	\$1.37	\$4.88
1931	August	8.06	1.69	9.75
1932	April	5.85	.52	6.37
"	May	10.08	.76	10.84
"	June	9.54	.57	10.11
		<u>\$37.04</u>	<u>\$4.91</u>	<u>\$41.95</u> ←

The records of the Commission also disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carrier by motor vehicle.

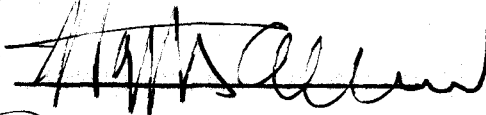
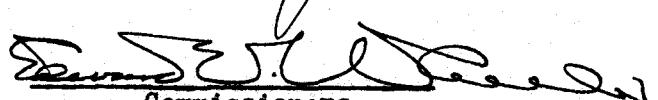
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes, and has failed to file an insurance policy or surety bond, as above set forth, in violation of law and of the Rules and Regulations of the

Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 26th day of January, 1933, at 10:00 A. M. o'clock, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WEICKER TRANSFER AND STORAGE )  
COMPANY, A CORPORATION. )  
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CASE NO. 1083.

-----  
January 4, 1933.  
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S T A T E M E N T

By the Commission:

On May 3, 1929, in Application No. 1297, a certificate of public convenience and necessity was issued to said respondent, The Weicker Transfer and Storage Company, for the conduct of a transfer, moving and general cartage business in the City and County of Denver and in the counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions stated in the order of the Commission, being Decision No. 2165. The conditions imposed in the order granting said certificate are as follows:

"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 Denver for the purpose of developing business."

The applicant was required to file tariffs of rates, rules and regulations and to operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations which it filed.

Information has come to the Commission that said respondent has been transporting National Biscuit Company products from Denver to Pueblo at a rate of 23 cents per hundred pounds, which rate does not conform to respond-

ent's tariff, and which rate is not higher than rates charged by scheduled carriers.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine whether or not said respondent has violated the terms of its certificate by transporting said products at said rate.

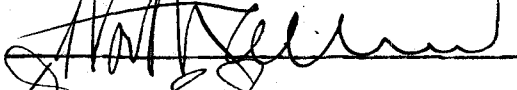

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if Weicker Transfer and Storage Company, a Corporation, respondent herein, has violated the terms and conditions of its certificate of public convenience and necessity by transporting products of the National Biscuit Company from Denver to Pueblo, Colorado, at rates other than its published tariff rates, or has otherwise violated said certificate.

IT IS FURTHER ORDERED, That said respondent show cause by written statement filed with the Commission within ten days from this date why the Commission should not enter an order suspending or revoking the certificate of public convenience and necessity heretofore issued to said respondent, or any other order or orders that may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on the 19th day of January, 1933, at 10:00 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
David Jones  
  
Edward D. Deane  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE WEICKER TRANSFER AND STORAGE )  
COMPANY. )  
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CASE NO. 1084.

-----  
January 4, 1933  
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S T A T E M E N T

By the Commission:

The records of the Commission show that private permit No. A-361 was issued to the above named respondent on June 10, 1932, for operations from Pueblo to Trinidad, Colorado, over U. S. Highway No. 85; Pueblo to the Colorado-New Mexico state line over U. S. Highway No. 85; Pueblo to Grand Junction over U. S. Highways 50, 650 and 40 S., except as now authorized under its present certificate of public convenience and necessity.

The Commission on May 3, 1929, in Application No. 1297 issued to said The Weicker Transfer and Storage Company a certificate of public convenience and necessity authorizing it to transport freight throughout the State of Colorado and in each of the counties thereof.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine whether or not said The Weicker Transfer and Storage Company may lawfully transport freight in intrastate commerce in Colorado as a private carrier in view of the said certificate of public convenience and necessity which was heretofore issued to it.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion, that an investigation and hearing be entered into to determine whether or not said The Weicker Transfer and Storage Company, a corporation, may lawfully transport

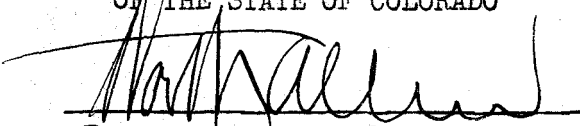
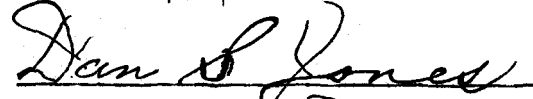
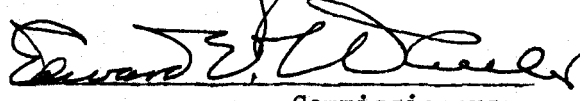


freight in intrastate commerce in Colorado as a private carrier in view of the said certificate of public convenience and necessity which was heretofore issued to it.

IT IS FURTHER ORDERED, That said respondent show cause by written statement filed with the Commission within ten days from this date, why the Commission should not revoke Permit A-361 so far as it applies to intrastate operations in Colorado, or such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 19th day of January, 1933, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GIO OBERTO, DOING BUSINESS AS ) CASE NO. 1013  
PLACERVILLE PARADOX STAGE. )  
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January 4, 1933  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 17, 1932, the Commission entered its order requiring respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be suspended or revoked due to his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond, as required by our rules and regulations.

At the hearing, the evidence disclosed that respondent had filed all delinquent reports and paid all taxes. Subsequent to said hearing, respondent also filed the necessary insurance policies.

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

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN W. WALKER, DOING BUSINESS )  
AS WALKER TRANSFER LINE. )  
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CASE NO. 1016

-----  
January 5, 1933.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 19, 1932, requiring the respondent, John W. Walker, doing business as Walker Transfer Line, to show cause why his certificate of public convenience and necessity should not be suspended or revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that no public liability or cargo insurance had ever been filed and that his property damage insurance policy expired in October, 1931.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to John W. Walker, doing business as Walker Transfer Line, should be merely suspended for a period of six months from this date.

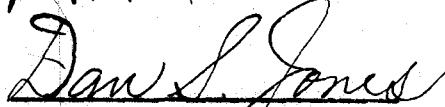
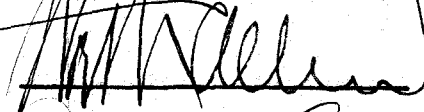
If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate of public convenience and necessity will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to John W. Walker, doing business as Walker Transfer Line, in Application No. 1694, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

*copy* *625* *bot*  
(Decision No. 4760)

At a General Session of The Public Utilities Commission of the State of Colorado, held at its office at Denver, Colorado, January 4, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 193

IT APPEARING, That on December 8, 1932, The Denver and Rio Grande Western Railroad Company, in compliance with General Order No. 15, filed with the Commission a notice of its intention to discontinue and remove its spur track at Mile Post 362.96, effective January 7, 1933.

IT APPEARING FURTHER, That on December 28, 1932, the Commission received a petition from eighteen residents and property owners near the aforesaid spur track and users of same protesting the removal of said track, and also on December 29, 1932, the Commission received a letter from the chairman of the Board of County Commissioners of Garfield County expressing the opinion that the discontinuance and removal of said track would work a hardship on a considerable number of farmers in the vicinity of said spur track.

IT APPEARING FURTHER, That the Commission finds that the proposed discontinuance and removal of the spur track at Mile Post 362.96, might injuriously affect the rights and interests of the patrons of aforesaid rail carrier,

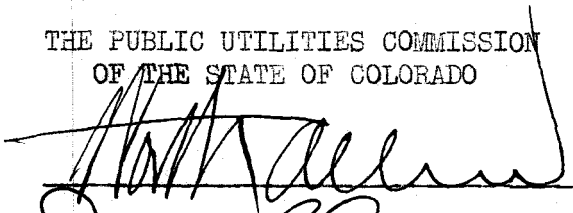
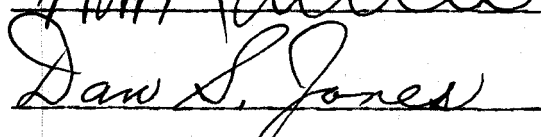
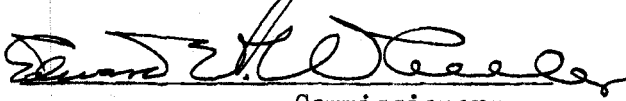
IT IS THEREFORE ORDERED, That the proposed date of the removal of spur track at Mile Post 362.96, be suspended one hundred twenty days from January 7, 1933, or until May 6, 1933, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed removal of the spur track at Mile Post 362.96, and its discontinuance, be made a subject of investigation and determination by the Commission within the said period of time or such further time as the same might be suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid notice of the proposed discontinuance and removal of said spur track at Mile Post 362.96, and copies hereof be forthwith served on said The Denver

and Rio Grande Western Railroad Company, the applicant, and Joe Bershenyi, Glenwood Springs, Colorado, and Mr. Lynn Kennedy, Chairman of the Board of County Commissioners, Garfield County, Glenwood Springs, Colorado, the protestants.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1933.

\* \* \* \*

CASE NO. 1018

January 5, 1933.

## S T A T E M E N T

An order was made on September 20, 1932, requiring the respondent, Ralph Sanders, to show cause why his certificate of public convenience and necessity should not be revoked for failure to pay highway compensation tax for the month of July, 1932, and for failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that no insurance had ever been filed, but that the July tax was paid on September 23, 1932.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to

the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Ralph Sanders should be merely suspended for a period of six months from this date.

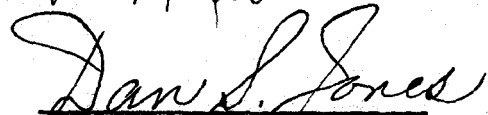
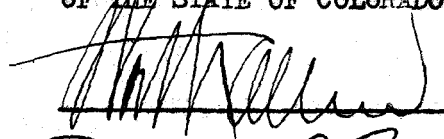
If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate of public convenience and necessity will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Ralph Sanders in Application No. 1783, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HENRY G. MARTIN. )  
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CASE NO. 1085

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January 5, 1933  
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S T A T E M E N T

By the Commission:

Information has come to the Commission that Henry G. Martin, respondent, now is and in the past has been transporting freight for hire by motor vehicle. The records of the Commission show that said respondent does not have a certificate of public convenience and necessity as required by Chapter 134, S. L. 1927, or a permit as required by Chapter 120, S. L. 1931.

The Commission is of the opinion that the public interest requires that an investigation and hearing be entered into to determine whether or not said respondent now is and in the past has been operating as a motor vehicle carrier as defined in Section 1 (d) of Chapter 134, S. L. 1927, without a certificate of public convenience and necessity and/or a private carrier by motor vehicle as defined in Section 1 (h) of Chapter 120, S. L. 1931, without a permit.

O R D E R

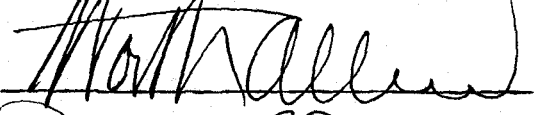

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not Henry G. Martin, respondent, now is or in the past has been operating as a motor vehicle carrier and/or a private carrier by motor vehicle without the prerequisite authority.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date,

why it should not enter an order requiring him to cease and desist from so operating, and such other and further orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 23rd day of January, 1933, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ERNEST E. MARTIN. ) CASE NO. 1019  
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January 5, 1933.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 20, 1932, requiring the respondent, Ernest E. Martin, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that no insurance had ever been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to

the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Ernest E. Martin in Application No. 1052-AA should be merely suspended for a period of six months from this date.

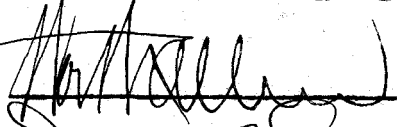
If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate of public convenience and necessity will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Ernest E. Martin in Application No. 1052-AA, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HERBERT HENRIKSON, INC. )  
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PERMIT NO. A-5

-----  
January 5, 1933.  
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S T A T E M E N T

By the Commission:

The Commission has been advised that operations under the above numbered permit ceased on September 15, 1932, said information being contained in a letter from Herbert Henrikson dated December 20, 1932.

It further appears that all highway compensation taxes due have been paid.

After careful consideration of the record the Commission is of the opinion, and so finds, that said private permit No. A-5, heretofore issued to Herbert Henrikson and thereafter transferred to Herbert Henrikson, Inc., should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-5, heretofore issued to Herbert Henrikson and thereafter transferred to Herbert Henrikson, Inc., be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EDWARD J. HAYDEN. )  
-----

CASE NO. 1014

-----  
January 5, 1933.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 19, 1932, requiring respondent, Edward J. Hayden, to show cause why his certificate of public convenience and necessity should not be suspended or revoked for his failure to file monthly reports for the months of May, June, July and August, 1932, to pay highway compensation taxes for the month of April, 1932, and for failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was held at which respondent did not appear, although he was given due notice of the time and place of said hearing.

The evidence disclosed that the reports for the months in question had not been filed, no taxes had been paid and no insurance had ever been filed.

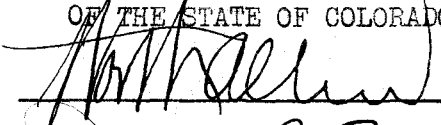
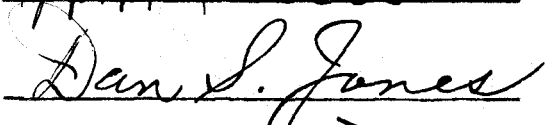
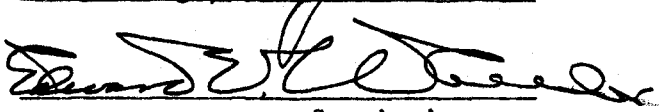
It was further disclosed that respondent had left Colorado for California and does not intend to return.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1972 should be cancelled for his failure to make monthly reports, pay highway compensation taxes, and file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Edward J. Hayden, respondent, in Application No. 1972, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

MAKE NO COPY

RE MOTOR VEHICLE OPERATIONS OF )  
E. E. BROCKMAN, DOING BUSINESS )  
AS COLORADO AND UTAH MOTOR WAY. )  
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CASE NO. 917

-----  
December 31, 1932  
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S T A T E M E N T

By the Commission:

An order was made on May 9, 1932, requiring the respondent, E. E. Brockman, doing business as Colorado and Utah Motor Way, to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1650 should not be revoked for failure to file monthly reports and pay highway compensation taxes for the months of September, 1931, to March, 1932, both inclusive.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the reports for the months in question were never filed. Moreover, the insurance which the respondent is required to carry expired on July 28, 1932, and has not been renewed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.



We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to E. E. Brockman, doing business as Colorado and Utah Motor Way, should be merely suspended for a period of six months from this date.

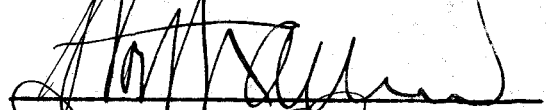
If in the meantime the respondent will file all highway compensation tax reports due, pay all such taxes, file the necessary insurance policies or surety bond required by our rules and regulations, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to E. E. Brockman, doing business as Colorado and Utah Motor Way, in Application No. 1650, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Daniel S. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of December, 1932.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. J. GENTRY AND J. E. FENTRESS, )  
CO-PARTNERS, DOING BUSINESS AS ) CASE NO. 1020  
THE LOVELAND TRANSFER AND PRODUCE )  
COMPANY. )  
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January 5, 1933.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 20, 1932, requiring the respondents, J. J. Gentry and J. E. Fentress, co-partners, doing business as The Loveland Transfer and produce Company, to show cause why their certificate of public convenience and necessity should not be revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondents did not appear, although they were given due notice of the time and place of the said hearing. The evidence showed that no insurance insurance policy or surety bond had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us

to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to J. J. Gentry and J. E. Fentress, co-partners, doing business as The Loveland Transfer and Produce Company, should be merely suspended for a period of six months from this date.

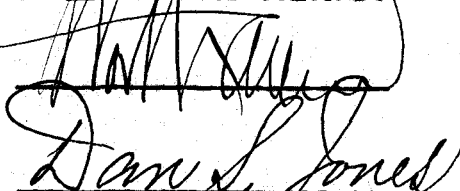
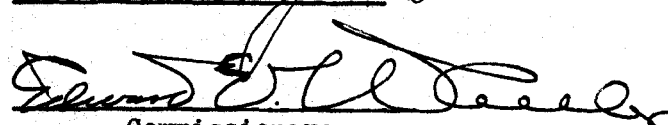
If, in the meantime, the respondents will file such insurance as is required by law and the rules and regulations of the Commission and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate of public convenience and necessity will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to J. J. Gentry and J. E. Fentress, co-partners, doing business as The Loveland Transfer and Produce Company, in Application No. 1549, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
  
Edward J. O'Connell  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. E. BARLOW. )  
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CASE NO. 1073

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January 5, 1933.  
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Appearances: W. E. Barlow, Fairplay, Colorado, pro se.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, W. E. Barlow, to show cause why motor vehicle private permit No. A-394 should not be revoked because of his having engaged in unlawful operation as a common or motor vehicle carrier.

A hearing was had at which the respondent very frankly stated what business he had been doing. He is engaged in transporting freight, particularly merchandise, between Denver and Fairplay. He testified that there are some eight or ten business concerns in Fairplay and that he has been serving between seven and ten of them, including Fairplay Mercantile Company, Fairplay Gold Mine, Tom Barr and others more or less regularly and all of them at one time or another.

The evidence clearly shows, and we so find, that the respondent is operating as a motor vehicle or common carrier and that he has no certificate of public convenience and necessity therefor.

We would be warranted, under the law, in revoking his permit. However, we will continue the case for some sixty days and allow him to make proof of his having so limited his operations as to be merely a private carrier. If he fails to appear and make such proof, an order revoking his permit will be issued without further notice.

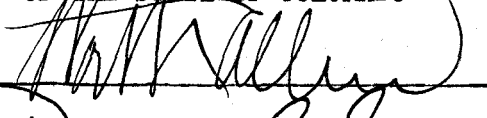
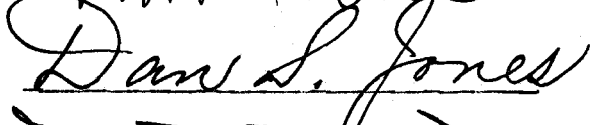
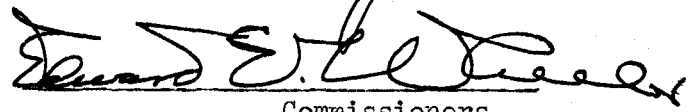
O R D E R

IT IS THEREFORE ORDERED, That the respondent, W. E. Barlow, cease and desist from operating as a motor vehicle or common carrier.

IT IS FURTHER ORDERED, That this matter be continued for further hearing in the hearing room of the Commission in Denver on February 28, 1933, at 10:00 A.M. o'clock.

IT IS FURTHER ORDERED, That in the absence of proof being made by the respondent, on the date to which the case has been continued, of his having complied with the order herein to cease and desist from operating as a motor vehicle carrier, the said permit of the respondent shall be revoked without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MAKE NO COPY

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RE MOTOR VEHICLE OPERATIONS OF )  
J. D. McKENZIE. )  
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CASE NO. 928

-----  
January 5, 1933  
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S T A T E M E N T

By the Commission:

An order was made on May 31, 1932, requiring the respondent, J. D. McKenzie, to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 669 should not be suspended or revoked for failure to file monthly reports for the months of January, February, March and April, 1932, and to pay highway compensation tax for the months of November and December, 1931.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the reports for the months in question had been received on May 31, 1932, and the taxes for the months of November, 1931, to April, 1932, inclusive, had been paid on June 7, 1932. However, respondent has not made any reports or paid any taxes for the months of May, 1932, to November, 1932, inclusive. Moreover, the insurance which the respondent is required to carry has expired and has not been renewed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would

remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to J. D. McKenzie in Application No. 669 should be merely suspended for a period of six months from this date.

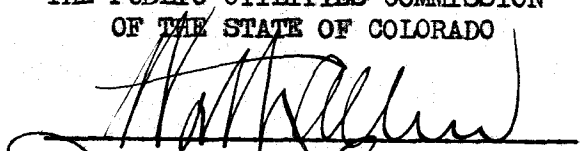
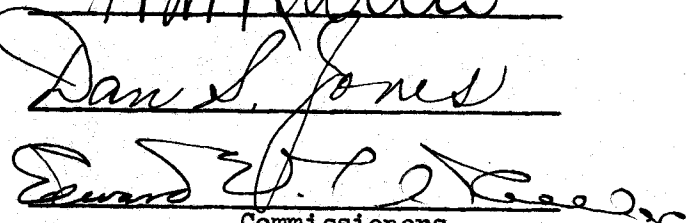
If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to J. D. McKenzie in Application No. 669 be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Daniel S. Jones  
  
\_\_\_\_\_  
Edward E. C. Keene  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN JARVIES. )  
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CASE NO. 827.

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January 5, 1933.  
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S T A T E M E N T

By the Commission:

An order was made requiring the respondent, John Jarvies, to show cause why his motor vehicle private permit No. 160-A should not be suspended or revoked for failure to file monthly reports for the months of September and October, 1931.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the order to show cause was dated December 16, 1931, and that the reports for the months in question were filed on December 29, 1931. However, respondent has not made any reports for the months, or any of them, beginning with December, 1931, and ending with the month of November, 1932. Moreover, the insurance which the respondent is required to carry expired on August 17 of this year and has not been renewed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being



charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said permit. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the motor vehicle private permit No. 160-A, heretofore issued to John Jarvies, should be merely suspended for a period of six months from this date.


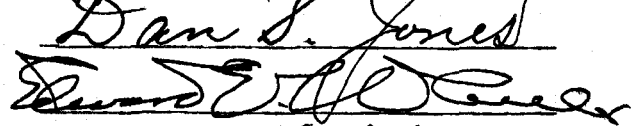
If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said permit shall automatically become effective again. If the above requirements are not complied with, the said permit will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 160-A, heretofore issued to John Jarvies, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if said requirements hereinbefore made are not complied with, the said permit will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
E. W. TERRILL, DOING BUSINESS AS )  
E. W. TERRILL TRANSFER AND ) CASE NO. 1021  
STORAGE COMPANY. )  
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January 6, 1933.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 20, 1932, requiring the respondent, E. W. Terrill, doing business as E. W. Terrill Transfer and Storage Company, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that no insurance had ever been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many

revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to E. W. Terrill, doing business as E. W. Terrill Transfer and Storage Company, should be merely suspended for a period of six months from this date.

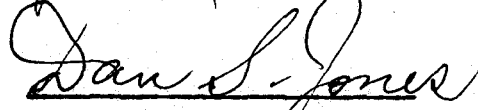
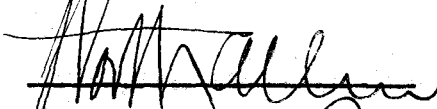
If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate of public convenience and necessity will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to E. W. Terrill, doing business as E. W. Terrill Transfer and Storage Company, in Application No. 1301, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MAKE NO COPY

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES J. LENT AND N. P. PETERSON, )  
DOING BUSINESS AS COLORADO-UTAH ) CASE NO. 1023  
MOTOR WAY, INC. )  
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-----  
January 6, 1933  
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S T A T E M E N T

By the Commission:

On September 20, 1932, the Commission entered its order in the above entitled case, requiring respondents to show cause why the certificate of public convenience and necessity heretofore issued to them should not be suspended or revoked for their failure to file an insurance policy or surety bond as required by law.

Since the hearing in said case, it has developed that the original certificate in Application No. 1181 was issued to James J. Lent and N. P. Peterson on September 29, 1928. Thereafter, on March 8, 1929, authority was granted to James J. Lent to transfer his interest in said certificate to W. H. Post. On May 20, 1929, authority was granted N. P. Peterson and W. H. Post to transfer said certificate to Colorado-Utah Motor Way, Inc., which company, according to the records of the Commission, is now the owner of said certificate.

It is apparent from said record that the show cause order issued in the instant case designated the wrong parties as owners of the certificate issued in Application No. 1181.

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

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Matthew  
Dan L. Jones  
Edward E. Beeler  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEWIS J. PETERSON. ) CASE NO. 1026  
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January 6, 1933  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 20, 1932, requiring the respondent, Lewis J. Peterson, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to

the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Lewis J. Peterson should be merely suspended for a period of six months from this date.

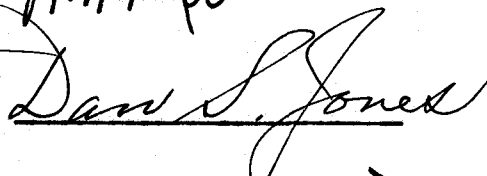
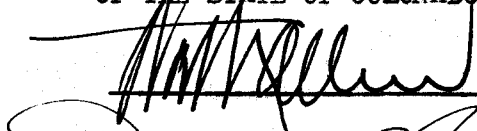
If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate of public convenience and necessity will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Lewis J. Peterson in Application No. 1947, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DAVID J. BUCHANAN, DOING BUSINESS )  
AS SOUTH DENVER MOVING AND STORAGE ) CASE NO. 1027  
COMPANY. )  
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January 6, 1933  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 20, 1932, requiring the respondent, David J. Buchanan, doing business as South Denver Moving and Storage Company, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence showed that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many



revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to David J. Buchanan, doing business as South Denver Moving and Storage Company, should be merely suspended for a period of six months from this date.

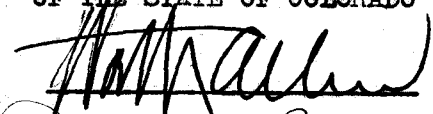
If, in the meantime, the respondent will file such insurance as is required by law and the rules and regulations of the Commission and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate of public convenience and necessity will be revoked without further notice.

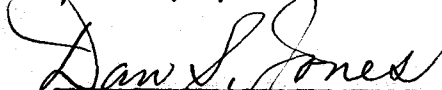
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1885 to David J. Buchanan, doing business as South Denver Moving and Storage Company, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRANK M. SCOTT. )  
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CASE NO. 929

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January 7, 1933  
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S T A T E M E N T

By the Commission:

An order was made on May 31, 1932, requiring the respondent, Frank M. Scott, to show cause why his certificate of public convenience and necessity should not be suspended or revoked for failure to file monthly reports for the months of January, February, March and April, 1932, and pay highway compensation tax for the month of December, 1931, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the reports for the months in question had not been filed, no taxes had been paid and no insurance had ever been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes

passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Frank M. Scott should be merely suspended for a period of six months from this date.

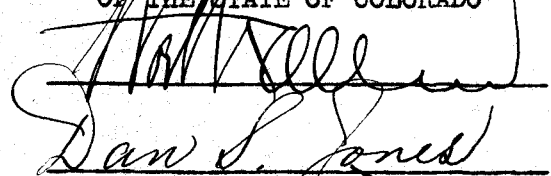
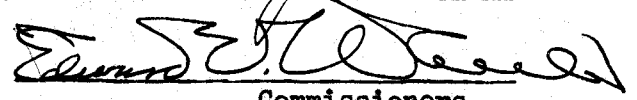
If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate of public convenience and necessity shall automatically become effective again. If the above requirements are not complied with, the said certificate of public convenience and necessity will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Frank M. Scott in Application No. 1349 be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
  
Edward E. O'Connell  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES I. KNOX AND HOWARD R. KNOX, ) CASE NO. 1029  
DOING BUSINESS AS KNOX AND SON. )  
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January 9, 1933.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 20, 1932, requiring the respondents, Charles I. Knox and Howard R. Knox, doing business as Knox and Son, to show cause why their certificate of public convenience and necessity should not be revoked for failure to pay highway compensation taxes for the months of September and November, 1931, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondents did not appear, although they were given notice of the time and place of said hearing. The evidence showed that no insurance had been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Charles I. Knox and Howard R. Knox, doing business as Knox and Son, should be merely suspended for a period of six months from this date.

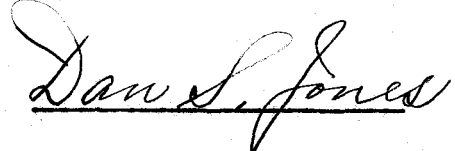
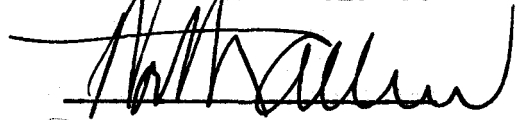
If, in the meantime, the respondents will file such insurance as is required by law and the rules and regulations of the Commission and pay the highway compensation taxes due for the months of September and November, 1931, and also file a written statement to the effect that they have not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1782 to Charles I. Knox and Howard R. Knox, doing business as Knox and Son, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
O. A. DUNN. )  
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CASE NO. 930

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January 9, 1933  
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S T A T E M E N T

By the Commission:

An order was made on May 31, 1932, requiring the respondent, O. A. Dunn, to show cause why his certificate of public convenience and necessity, heretofore issued to him in Application No. 1643, should not be suspended or revoked for failure to pay highway compensation tax for the month of January, 1932, and to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to pay his taxes for the month in question, and that no insurance had ever been filed. Moreover, no reports have been received for the months of May to November, 1932, inclusive.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating

under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to O. A. Dunn in Application No. 1643, should be merely suspended for a period of six months from this date.

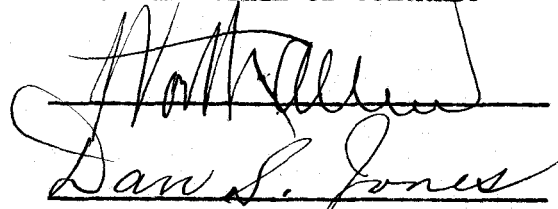
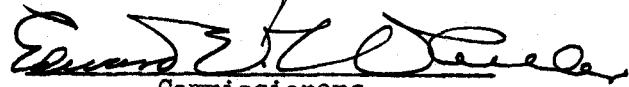
If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to O. A. Dunn in Application No. 1643, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. R. BOOK. )

CASE NO. 931

January 10, 1933

S T A T E M E N T

By the Commission:

An order was made on May 31, 1932, requiring the respondent, W. R. Book, to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 1385, should not be suspended or revoked for failure to file highway compensation tax reports for the months from June, 1931 to December, 1931, inclusive, and January to April, 1932, inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to file the reports for the months in question and that no insurance has been filed.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.



We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to the respondent, W. R. Book, in Application No. 1385, should be merely suspended for a period of six months from this date.

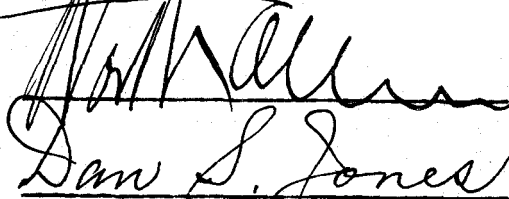
If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to W. R. Book, in Application No. 1385, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan S. Jones

  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEE HILL. )  
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CASE NO. 1088

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February 2, 1933.  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 18, 1933, requiring the respondent, Lee Hill, to show cause why his permit No. 150-A should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months July, 1932, to December, 1932, inclusive, and for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

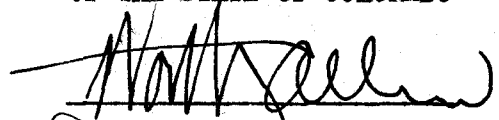
A hearing was had at which respondent did not appear, although he was given notice of the time and place of said hearing. The evidence disclosed that on the day of said hearing respondent had filed all monthly reports due and had filed satisfactory insurance.

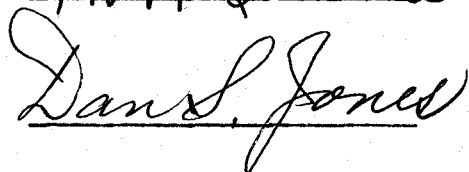
After careful consideration of the record, the Commission is of the opinion, and so finds, that the above entitled case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





Dated at Denver, Colorado,  
this 2nd day of February, 1933.

  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM WEST AND FRANK HUSSINS, )  
DOING BUSINESS AS LEWISTON )  
TRAVEL BUREAU. )  
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CASE NO. 1066

RE MOTOR VEHICLE OPERATIONS OF )  
O. M. DURHAM, SOMETIMES KNOWN AS )  
MACK DURHAM, DOING BUSINESS AS )  
MARKHAM TRAVEL BUREAU. )  
-----)

CASE NO. 1067

-----  
January 10, 1933  
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Appearances: Charles E. Holcomb and Milner Gleaves, Esqs.,  
Denver, Colorado, attorneys for respondents  
in Case No. 1066;  
H. A. Feder, Esq., Denver, Colorado, attorney  
for respondent in Case No. 1067;  
Jack Garrett Scott, Esq., Denver, Colorado,  
amicus curiae;  
Colin A. Smith, Esq., Denver, Colorado,  
Assistant Attorney General.

S T A T E M E N T

By the Commission:

Orders were made in each of the above entitled cases requiring the respondents above named to show cause by a written statement to be filed with the Commission why the Commission should not enter its order requiring the said respondents to cease and desist from operating as motor vehicle carriers, and/or as private carriers by motor vehicle unless and until they have procured certificates of public convenience and necessity and/or private permits authorizing such operations, and/or why they should not be required to cease and desist from aiding and abetting others in the violation of the law and the rules and regulations of this Commission.

The respondents West and Hussins filed their answer denying each and every allegation contained in the order.

The said Durham filed his demurrer alleging, first, that the Commission has no jurisdiction over the person of the respondent or of the subject matter, and, second, that the statement does not contain facts sufficient to constitute a cause of action or to be a basis of a proceeding against the respondent. The demurrer of the respondent Durham having been over-ruled, he was given leave to and did file his answer, which, as in the case of the other answer, is merely a general denial.

The cases came on for hearing. At the hearing a stipulation was made with respect to both cases. In Case No. 1066 there was nothing material in the record aside from the stipulation made at the hearing by the parties. This stipulation reads as follows:

"In the case of Mr. West and Mr. Hussins, No. 1066, doing business as Lewiston Travel Bureau, it is stipulated and agreed between counsel now no present connection between Lewiston Travel Bureau and Mr. Durham; that Mr. Durham until lately and about October 5th actually operated the Lewiston Travel Bureau under a commission agreement with Mr. West, who owned it; that the place is now being operated by Mr. Black, who is not a party to this record, in the Lewiston Hotel. The character of that business that has been conducted in the past and is now being conducted is as follows: Advertisements are inserted in the Denver papers, The Rocky Mountain News and Denver Post, of general circulation according to these exhibits which have been introduced in evidence; that passengers who desire transportation are procured; that drivers who own care are procured; that the Travel Bureau obtains what they term a registration fee from the passenger as their remuneration for their part in the transaction. The balance of the evidence which we have in this West case would tend to show those facts."

While we might possibly have some suspicion as to the nature of the business being conducted by the persons to whom West and Hussins turned over passengers, we are of the opinion, and so find, that there is nothing in the record which would warrant us in finding that they have violated the law, either by operating as carriers or by aiding and abetting others unlawfully operating as such.

In Case No. 1067 the evidence showed that the respondent Durham has been engaged in business in two separate locations, one being the Markham Hotel, the other at 1717 California Street, both in Denver; that he advertises in the two Denver newspapers having general circulation, advertising share-expense

transportation; that he thereby procures passengers who desire to be transported, from whom he obtains a registration fee; that he arranges to procure owners and drivers of cars, from whom he obtains a registration fee; that he has in the recent past, although not for a short period preceding the hearing herein, frequently procured passengers for so-called "wild catters," persons who are motor vehicle passenger operators who have made a business of transporting passengers in Colorado for compensation without any lawful authority therefor.

The evidence further showed that Durham had been using his own car for the transportation of passengers; that in some cases in which he turned passengers over to be carried by others, he himself made financial arrangements with the passengers and then made arrangements with the men who actually transported them, Durham taking more than a mere registration fee for his part in the transactions. The said transactions were virtually a contract by Durham himself for the transportation of the passengers. He then farmed the business out to another.

We feel it our duty to say that Durham proved to be a very evasive witness, not recalling facts which he would be expected to remember.

Since the evidence shows unlawful conduct by Durham, both in transporting, as we find he did transport, passengers for hire in Colorado without a permit or certificate, and in aiding and abetting others, as we find he did aid and abet, in the unlawful transportation of passengers, we feel that we should make an order requiring him to cease and desist from such conduct. If, as he stated in the evidence, he has so ceased and desisted, he will, of course, not object to an order making such requirement.

We wish to warn Mr. Durham that any future conduct along the lines which he has followed in the past will be dealt with vigorously and promptly.

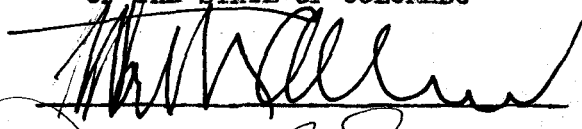
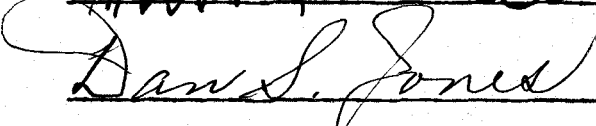

#### O R D E R

IT IS THEREFORE ORDERED, That O. M. Durham, doing business as Markham Travel Bureau, cease and desist from the transportation of passengers for hire within the State of Colorado until he shall have procured lawful authority therefor.

IT IS FURTHER ORDERED, That said O. M. Durham be, and he is hereby, required to cease and desist from the solicitation of passengers and the turning over of them for transportation within the State of Colorado by persons making a business, even though temporarily, of transporting passengers for hire without lawful authority therefor.

IT IS FURTHER ORDERED, That Case No. 1066 be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MIKE ARMSTRONG FOR A CERTIFICATE OF ) APPLICATION NO. 1949  
PUBLIC CONVENIENCE AND NECESSITY. )  
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January 10, 1933  
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Appearances: O. T. Mallory, Esq., Fort Morgan, Colorado,  
attorney for applicant;  
J. Q. Dier and J. F. Vallery, Esqs., Denver,  
Colorado, attorneys for Chicago,  
Burlington & Quincy Railroad Company;  
E. G. Knowles, Esq., Denver, Colorado,  
attorney for Union Pacific Railroad Company.

S T A T E M E N T

By the Commission:

Mike Armstrong seeks a certificate of public convenience and necessity authorizing the transportation of household goods, livestock, farm products and other commodities in truck-load lots between Brush, Colorado, and surrounding territory and other points within the State of Colorado in both intrastate and interstate commerce, and from point to point in said territory. He seeks no authority to operate on schedule or to render regular service. Neither does he desire to transport commodities originating in mercantile houses or factories. The territory sought to be served by Armstrong is described as follows:

"Commencing at the northeast corner of Morgan County, Colorado, thence running south a distance of six miles to the northwest corner of Washington County, thence east a distance of six miles, thence south along range line 54, a distance of forty miles to what is known as the Air Line Highway, thence west a distance of eighteen miles, thence north a distance of forty-six miles to the north line of Morgan County, thence east twelve miles to the point of beginning."

The principal occupation of the applicant is the transportation of livestock from point to point within the Brush territory and from points in said territory to Denver.

Considerable evidence was introduced in support of the application. No evidence was introduced in opposition thereto.

The applicant was required to make a report of his highway compensation taxes for a period prior to the hearing. This he failed to do. The Commission thereupon made an order dismissing the application. Since then the applicant has made said reports and paid said taxes. We are now of the opinion, and so find, that the order dismissing the application herein should be vacated and set aside.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require the motor vehicle system of the applicant, Mike Armstrong, for the transportation of household goods, livestock, farm products and other commodities, exclusive of commodities originating in mercantile houses or factories, from point to point in the territory sought to be served by him and between points in said territory and other points in the State of Colorado, subject to the conditions hereinafter imposed, which, in the opinion of the Commission, the public convenience and necessity require.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicant, Mike Armstrong, for the transportation of household goods, livestock, farm products and other commodities, exclusive of commodities originating in mercantile houses or factories, between Brush, Colorado, and surrounding territory commencing at the northeast corner of Morgan County, thence running south a distance of six miles to the northwest corner of Washington County, thence east a distance of six miles, thence south along range line 54, a distance of forty miles to what is known as the Air Line Highway, thence west a distance of eighteen miles, thence north a distance of forty-six miles to the north line of Morgan County, thence east twelve miles to the point of beginning, and between points in said territory and other points in the State of Colo-



rado, in both intrastate and interstate commerce, subject to the conditions hereinafter stated, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

(a) The applicant shall not operate on schedule.

(b) The applicant shall not transport any coal for hire.

(c) The applicant shall always charge as much as twenty per cent more than either rail or scheduled carriers' rates in effect at the time of serving, for the transportation of any other freight than livestock between points served singly or in combination by scheduled carriers unless the mileage of the scheduled carrier or carriers, whether by rail or motor vehicle, is fifty per cent longer than the route over which the applicant shall operate.

(d) The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have any agent employed in any other town or city outside the territory described in his application surrounding the town of Brush.

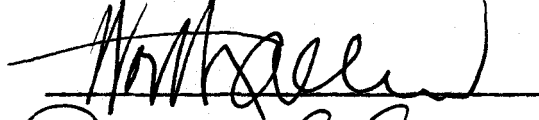

IT IS FURTHER ORDERED, That the order heretofore made in the above numbered application dismissing said application be, and the same is hereby, vacated and set aside.

IT IS FURTHER ORDERED, That applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with

respect thereto.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Dan S. Jones  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ARCHIE L. HARSCH. )

CASE NO. 935

-----  
January 12, 1933  
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S T A T E M E N T

By the Commission:

An order was made on May 31, 1932, requiring the respondent, Archie L. Harsch to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 1601, should not be suspended or revoked for failure to pay highway compensation tax for the month of December, 1931, and for the months of January, February, March and April, 1932, inclusive,

A hearing was had at which the respondent did not appear, although he was given due notice of the time and place of the said hearing. The evidence showed that the respondent failed to pay his taxes for the months in question . Moreover, no reports have been received for the months of July, August, September, October and November, 1932, inclusive, and that no effective insurance is now on file with the Commission as required by law and our rules and regulations.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the

amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to Archie L. Harsch, in Application No. 1601, should be merely suspended for a period of six months from this date.

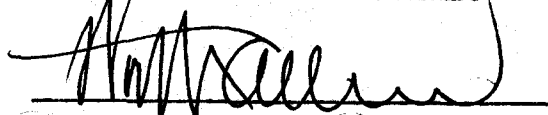
If, in the meantime, the respondent will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that he has not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

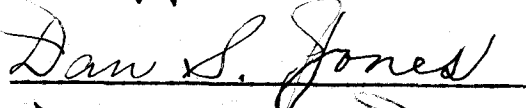
O R D E R

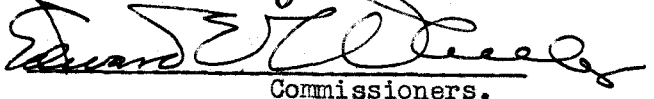
IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Archie L. Harsch, in Application No. 1601, be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WALLACE V. EGGLESTON AND THEODORE )  
J. EGGLESTON. )  
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CASE NO. 936

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January 12, 1933.  
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S T A T E M E N T

By the Commission:

An order was made on May 31, 1932, requiring the respondents, Wallace V. Eggleston and Theodore J. Eggleston, to show cause why their certificate of public convenience and necessity heretofore issued to them by the Commission in Application No. 1604 should not be suspended or revoked for failure to file monthly reports and pay highway compensation taxes for the months of October, 1931, to April, 1932, inclusive, and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondents did not appear, although they were given due notice of the time and place of said hearing. The evidence showed that the respondents failed to file monthly reports and pay highway compensation taxes for the months in question. The evidence further showed that the insurance filed by the respondents expired July 9, 1931, and had never been renewed. Moreover, no reports have been received and no taxes paid for the months of May to November, 1932, inclusive.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage insurance which motor vehicle operators would be required to carry.

However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We would be warranted in revoking the said certificate. Many revocations have been made in the past on similar facts. However, due to the economic situation, we have concluded, and find, that the certificate of public convenience and necessity heretofore issued to the respondents should be merely suspended for a period of six months from the date of this order.

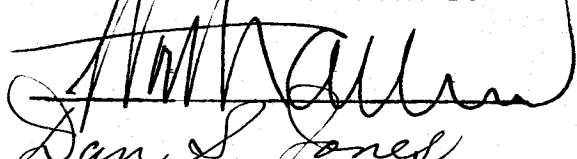
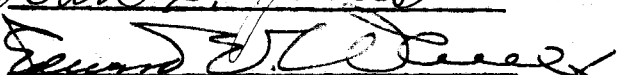
If, in the meantime, the respondents will file all highway compensation tax reports due, pay all such taxes, file such insurance as is required by law and the rules and regulations of the Commission, and file a written statement to the effect that they<sup>have</sup> not operated for hire during said period of suspension, the said certificate shall automatically become effective again. If the above requirements are not complied with, the said certificate will be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Wallace V. Eggleston and Theodore J. Eggleston be, and the same is hereby, suspended for a period of six months from the date of this order.

IT IS FURTHER ORDERED, That if the said requirements hereinbefore made are not complied with, the said certificate of public convenience and necessity will be finally revoked and cancelled without further notice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Dan L. Jones  
  
Edward J. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

MAKE NO

COPY

RE MOTOR VEHICLE OPERATIONS OF )  
H. E. PARKER AND I. H. PARKER )  
AND O. M. RUTHRAUF, CO-PARTNERS, )  
DOING BUSINESS AS THE MUTUAL )  
STAGES. )  
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CASE NO. 1080.

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January 12, 1933  
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Appearances: Mr. E. S. Johnson, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

An order was made by the Commission requiring the above named respondents to show cause why their interstate permit should not be revoked for failure to file monthly highway compensation tax reports and to pay such taxes.

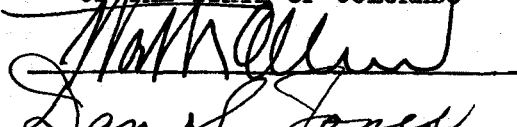
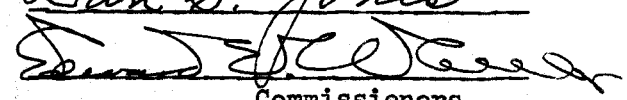
A hearing was had at which none of the respondents appeared, although they were given due notice of the hearing. At the hearing the evidence showed that they have not filed their monthly highway compensation tax reports for the months of June to November, both inclusive, 1932, and that the taxes for those months have not been paid.

The Commission is of the opinion, and so finds, that their said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the interstate motor vehicle permit issued in Application No. 2019 to H. E. Parker, I. H. Parker and O. M. Ruthrauf, co-partners, doing business as The Mutual Stages, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Dan S. Jones  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1933.