(Decision No. 72245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
) AUTHORITY NO. 6452-I
J. E. NELSON)
Box 266) CASE NO. 1206-H-Insurance
Estelline, Texas 79233)
)
)
- - - - - - - - - - - - - - - - - - -

December 2, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 15, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
2nd day of December, 1968 .

(Decision No. 72246)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
) AUTHORITY NO. 6878-I
Jose S. Martinez)
1810 Keck Street) CASE NO. 1240-H- Insurance
San Antonio, Texas 78207)
)
)

- - - - - - - - - - - - - - - - - -

- - - - - - - - - - -
December 2, 1968
- - - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 29, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
2nd day of December, 1968 .

(Decision No. 72247)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Charles L. Pantle dba) AUTHORITY NO. M-4484
Archway Cookies)
4280 Columbine Street) CASE NO. 3744-M-Ins.
Denver, Colorado 80216)
)
)
- - - - - - - - - - - - - - - - - -

December 3, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 26, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
3rd day of December 1968 .

(Decision No. 72248)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENNIS L. RICHARDSON, P. O. BOX 6116,)
WHITE HOUSE RANCH, COLORADO SPRINGS,) APPLICATION NO. 23434-PP-Extension
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-6792.)

December 3, 1968

Appearances: Jack W. Foutch, Esq., Colorado Springs, Colorado, for Applicant;
Orris H. Gram, Colorado Springs, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 30, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. B-6792 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.

2. Applicant presently holds authority from this Commission under Permit No. B-6792, which reads as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points.

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Quartz, in bulk

From all points in Jefferson County, Colorado, to all points in Fremont County and Douglas County, State of Colorado.

RESTRICTION:

Item 5 of this Permit is restricted to service for only Colonna & Co. of Colorado, Inc., located at Canon City, Colorado."

3. The authority to which extension is hereby sought, Permit No. B-6792, has been continually operated in the past and is presently in good standing with the Commission.

4. By this application, Applicant seeks to extend the authority under Permit No. B-6792 to include the following:

"Transportation of aggregates between all points in the State of Colorado; restricted, (1) to serving two customers only, viz., Colonna & Co. of Colorado, Inc. of Canon City, Colorado, and Western Architectural Aggregates, Inc. of Sedalia, Colorado, and (2) to the use of dump-type vehicles only."

5. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.

6. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

7. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

8. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

9. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

10. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-6792 to include:

"Transportation of aggregates, between all points in the State of Colorado; restricted, (1) to serving two customers only, viz., Colonna & Co. of Colorado, Inc. of Canon City, Colorado, and Western Architectural Aggregates, Inc. of Sedalia, Colorado, and (2) to the use of dump-type vehicles only."

That henceforth the entire authority under Permit No. B-6792 shall be as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Quartz, in bulk

From all points in Jefferson County, Colorado, to all points in Fremont County and Douglas County, State of Colorado.

RESTRICTION:

Item 5 of this Permit is restricted to service for only Colonna & Co. of Colorado, Inc., located at Canon City, Colorado.

(6) Aggregates

Between all points in the State of Colorado;

RESTRICTION:

Item No. 6 is restricted as follows:

(a) To serving two (2) customers only, viz., Colonna & Co. of Colorado, Inc. of Canon City, Colorado, and Western Architectural Aggregates, Inc. of Sedalia, Colorado, and

(b) To the use of dump-type vehicles only."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and --

in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Dennis L. Richardson, Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6792 to include the following:

Transportation of

Aggregates

Between all points in the State of Colorado.

RESTRICTION:

(1) To serving two customers only, Colonna & Co. of Colorado, Inc., of Canon City, Colorado, and Western Architectural Aggregates, Inc., of Sedalia, Colorado.

(2) To the use of dump-type vehicles only.

That henceforth the full and complete authority under Permit No. B-6792, as extended, shall read and be as follows, to-wit:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 50 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 50 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Quartz, in bulk

From all points in Jefferson County, Colorado, to all points in Fremont County and Douglas County, State of Colorado.

RESTRICTION:

Item 5 of this Permit is restricted to service for only Colonna & Co. of Colorado, Inc., located at Canon City, Colorado.

(6) Aggregates

Between all points in the State of Colorado.

RESTRICTION:

Item 6 of this Permit is restricted as follows:

(a) To service for only Colonna & Co. of Colorado, Inc. of Canon City, Colorado, and Western Architectural Aggregates, Inc. of Sedalia, Colorado, and

(b) To the use of dump-type vehicles only.

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

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1968.
ls

(Decision No. 72249)

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 THE STATION AT PRITCHETT, BACA COUNTY, COLORADO, AS AN AGENCY STATION AND TO DESIGNATE AND OPERATE PRITCHETT AS A PREPAY STATION ONLY.	)	APPLICATION NO. 23470

December 2, 1968

STATEMENT

BY THE COMMISSION:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations pertaining to Railroads and Express Companies operating in the State of Colorado, The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) did on October 31, 1968, file an application with this Commission seeking authority to close and withdraw the agency station maintained for rail service at Pritchett, Baca County, Colorado.

Pritchett, Colorado, is a small community with estimated population of 223 persons located on U. S. Highway No. 160 at 15 miles west from the Agency Station of Springfield, Colorado. It is also the west terminal of the Santa Fe Railway -- Manter District -- 168 miles long Branch line. East-west service is provided between Pritchett, Colorado, and Dodge City, Kansas, via: Springfield and Walsh, Colorado; Manter, Ulysses, Santanta Junction, Sublette and Dodge City, Kansas.

Pritchett is served by an Agent between 5:00 A.M. and 2:00 P.M. on Mondays through Fridays. Railroad service consists of a freight operation which is scheduled as a mixed train, carrying a combination type passenger-baggage coach that is also used as a caboose for the freight crew. Since 1965 there has been no passenger revenue. West-bound service is scheduled to arrive in Pritchett at 4:45 P.M. on Sunday, Tuesday and Thursday.

Actual arrivals are irregular from 6:00 P.M. to Midnight according to seasonal or en-route switching work. Hence, the train service is provided at a time when there is no Agent on duty.

Local hotel facilities are used by the train crew for overnight layover and prescribed rest of 8 hours between runs. Eastbound departure is scheduled for 6 A.M. on Monday, Wednesday and Friday. Actual departures may vary between 6 A.M. and 8 A.M. according to rest requirement, since the yard switching and train makeup work is done the night before on incoming trip. There is extensive trackage at Pritchett consisting of the Main line, a 42 car siding track, stockyard track, and long house track to serve four grain elevator industries. No other trains are operated over this branch into the Pritchett terminal.

Applicant states that during 1967 and first three months of 1968 all of the carload traffic received at Pritchett was prepaid and all carload traffic forwarded was on a collect basis; that there is no mail or R.E.A. Express service handled at the station; that the current freight business can be handled by the Agent at Springfield; hence, proposal for closing the station is made on the basis that only minor public convenience and necessity is involved and that non-productive station expense may be eliminated. Supporting explanatory information was offered for Commission consideration. Proposed effective date for requested station closing is December 1, 1968.

In conformance with the Commission rules herein, public notice of the requested change in Agency service was posted at the Pritchett Station on October 29, 1968. Said Notice included the further directions that any public objections should be forwarded to the Public Utilities Commission. No public complaints or protests have been received by the Commission, however, in behalf of the Town of Pritchett, Colorado, Mayor Everett Miller submitted a protest asking that --

> --"the application be denied to the extent that applicant seeks to discontinue railroad service to Pritchett, Colorado."

In Commission review of the instant application and with reference thereto, Applicant (Santa Fe Railway) --

> -- "seeks permission and authority from the Commission effective with the close of business December 1, 1968, to close applicant's present station at Pritchett, Baca County, Colorado; to discontinue any agency and the maintenance of customary station and agency service at that point and to handle business to and from Pritchett after December 1, 1968, on a prepay basis only."

It would appear then that there is to be no discontinuance of the line, but rather that service to and from Pritchett will continue; with only a discontinuance of the personal services of an agent at the station.

It is further noted that Pritchett is located in a rural, agricultural area. The principal crops are wheat and milo and that these products have been the sole source of carload shipments forwarded from Pritchett since 1965. In the same period the only recurring inbound carload traffic has consisted of feed. Total movements in 1966 were 99 carloads; in 1967 -- 41 carloads and current reports show 107 carloads to October 31, 1968. From a traffic standpoint, the principal business establishments in Pritchett are the four grain elevators of which one is presently closed and operated out of Springfield.

A summary of the exhibit material as submitted with the instant application relative to the station operations is shown in the following tabulation. Full benefit or 100% of Station Revenue is shown for Interline traffic and 50% of Local or System Revenue is used where work of the two Santa Fe stations is involved for origin and destination handling:

Item	1965	1966	1967	(3 Mos.) 1968
Local Revenue (50%)				
Less Carload (L.C.L.)	$ 453	$ 393	$ 441	$ 78
Carload Received	434	493	570	918
Carload Forwarded	3,868	20,942	7,250	1,608
Interline (100%)				
Less Carload	9	3	4	-
Carload Received	353	412	242	-
Carload Forwarded	8,450	614	1,003	720
Passenger tickets	-	-	-	-
Milk and Cream	39	50	51	9
Railway Express	100	54	48	-
Western Union	8	4	4	-
Total Revenue	$13,714	$22,965	$ 9,613	$ 3,333
Less: Operating Expense	9,988	16,604	7,328	2,541
Remainder	$ 3,726	$ 6,361	$ 2,285	$ 792
Less:Pritchett Expense	7,515	7,921	8,325	2,023
Gain or (Loss)	($3,789)	($1,560)	($6,040)	($1,231)
Operating Ratio before Station Expense	72.83%	72.30%	76.23%	76.23%

It is to be noted that after allowing for the standard system costs to move the freight, there is a nominal remainder of revenue from the line, but not sufficient to pay the station expense. Hence, with the above traffic of the region, there is need to keep the line in operation, but keeping the agent results in a loss operation. It is the proposal of Santa Fe to only close the Agency at Pritchett and to handle the preparation of shipping documents and station accounting from the Agency at Springfield, Colorado. All telephone toll charges of Pritchett patrons would be accepted at the Springfield Agency for railroad business such as ordering of cars, notice of loading completion and car release, tracing of cars and rate information. With the current pattern of outbound traffic moving on a collect basis and the incoming business being prepaid; it would appear there should be only minimum need for patrons to go to Springfield to pay freight charges, which could also be forwarded by mail. Movement of L.C.L. shipments is to also be continued by handling from the train to the depot or another storage facility at Pritchett for customer pickup; or the possible development of a drayman service from Springfield for direct pickup and delivery handling to patrons in Pritchett.

As noted, the basic reason for proposed station closing is related to the diminishing volume of station work to be performed. During the twelve months of 1967, only 41 carloads were handled or average of four carloads per month. There has been some public interest in the matter, but largely related to continuance of the line for carload movements; meanwhile, the essential service of freight movement and local switching will continue; and it would appear there should be little inconvenience to utilize the alternate service of the Springfield station where charges for telephone toll calls will be accepted by the Applicant's agent. Meanwhile, operating experience during the times when the Agent is off duty has shown that train operations can also be safely maintained. Hence, it appears reasonable that the instant proposal is made in the interest of improved operating efficiency, wherein elimination of the station expense will offer a saving of some $8,000 annually and avoid a loss operation for the line.

It is therefore the belief of the Commission that the proposed station closing is compatible with the public interest, and in the absence of protests thereto, the Commission determined to hear, and has heard said matter forthwith, without further notice upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the foregoing Statement is hereby made a part of these Findings by reference.

That safe and economical railroad operation does not require the maintenance of an Agent at the Pritchett Station, Baca County, Colorado.

That there will be a continuation of local switching service and trackage which, with only minor inconvenience on the whole, will be adequate to meet requirements of the Pritchett area.

That the expenses involved in maintaining an Agent at Pritchett are not justified in view of the proposed change.

That the public convenience and necessity no longer require the continued maintenance of an Agency Station at Pritchett, Colorado, by Applicant, The Atchison, Topeka and Santa Fe Railway Company, and authority for Agency discontinuance should be granted as requested.

O R D E R

THE COMMISSION ORDERS:

That Applicant herein, The Atchison, Topeka and Santa Fe Railway Company, be, and is hereby authorized to discontinue Agency service at Pritchett, Baca County, Colorado, and to thereafter maintain same as a prepay or non-agency station served through the Agency office at Springfield, Colorado.

That during any times of seasonal rush, or unforeseen demand for station service, necessary personnel on a temporary basis may be brought in and withdrawn as required to meet the public needs.

That charges for telephone toll calls of Pritchett patrons relative to railroad business shall be accepted by the Agency station of Applicant at Springfield, Colorado.

That reference shall be made to this Decision in the affected tariff schedules to show closing of the Pritchett Agency office and as authority for such action.

That the Commission shall retain jurisdiction in this matter, to make such further order or orders as may be required.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of December, 1968.
sl

(Decision No. 72250)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PITKIN COUNTY DEVELOPMENT CORPORATION,)
122 EAST DURANT STREET, ASPEN, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 23346-Amended
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY AIRPLANE.)
- -

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December 2, 1968
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Appearances: John J. Conway, Esq., Denver, Colorado, for Applicant; Raymond M. Wilson, Denver, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On August 6, 1968, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by airplane for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

This application was protested by the following parties:

1. Monarch Aviation, Inc., through its attorney, William H. Nelson;
2. Aspen Airways, Inc., through its attorney, John F. Mueller;
3. D & RG Western Railroad Co. and Rio Grande Motor Way, Inc., through its attorney, Warren D. Braucher.

All Protestants withdrew prior to the hearing, but are to remain of record for the purpose of receiving a copy of the Order.

Prior to the hearing, Applicant amended its SECOND AMENDMENT TO APPLICATION for purposes of clarification and proper identification by inserting the words "the Yampa Valley Airport, at" when referring to the location of the airport and "the City of" when referring to Hayden and Steamboat Springs. The application, as finally amended, would, therefore, read as follows:

> "transportation by airplane of persons and property not on schedule, but on call and demand, between the Yampa Valley Airport at Hayden, Colorado, and a five-mile radius thereof, on the one hand, and all points in the State of Colorado, on the other hand, restricted to a base of operations at the Yampa Valley Airport, at Hayden, Colorado, and further restricted to offices for the solicitation of business at the Yampa Valley Airport, the City of Hayden and the City of Steamboat Springs, Colorado."

Applicant's Motion to so amend its application was granted and said Amendment was placed into the pleadings by interlineation."

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows; to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. By this application, Applicant seeks a Certificate of Public Convenience and Necessity authorizing operation as a common carrier by airplane for the transportation of persons and property, not on schedule but on call and demand, between the Yampa Valley Airport, at Hayden, Colorado, and a five-mile radius thereof, on the one hand, and all points in the State of Colorado, on the other hand, with a fixed base of operations at the Yampa Valley Airport, the City of Hayden and the City of Steamboat Springs, Colorado.

3. Applicant has duly and properly applied for the authority sought herein, the Protestants withdrew and the application was heard as a non-protested matter.

4. The existing service is inadequate to meet the particular transportation requirements sought herein.

5. The application was supported by a representative of Frontier Airline and it was shown that this type of service would supplement that of scheduled airlines into the area.

6. The present and future public convenience and necessity requires or will require the proposed authority.

7. Applicant has sufficient equipment, hangar and maintenance facilities, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

8. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

9. Applicant has air taxi authority from the Federal Aviation Agency and is, therefore, authorized by said Agency to render the type of service which they now seek to render intrastate in the State of Colorado.

10. The granting of this application will be in the public interest and the authority, as requested in this application, should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and issuing to Pitkin County Development Corporation a Certificate of Public Convenience and Necessity authorizing operation as a common carrier by airplane with authority as follows:

"Transportation by airplane -- not on schedule but on call and demand -- of

Persons and property

Between the Yampa Valley Airport, at Hayden, Colorado, on the one hand, and all points in the State of Colorado, on the other hand.

RESTRICTIONS:

1. This authority is restricted to a base of operations at the Yampa Valley Airport, at Hayden, Colorado, and further, no office or branch shall be established for the purpose of soliciting or developing business at any town or city other than Hayden or Steamboat Springs, Colorado, or the Yampa Valley Airport at Hayden, Colorado.

2. Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per passenger effective rates of said fixed-route carrier by air so operating on schedule between said points to be non-competitive therewith."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Pitkin County Development Corporation, Aspen, Colorado, be, and hereby is, authorized to operate as a common carrier by airplane on call and demand for the following:

Transportation by airplane -- on call and demand -- of

Persons and property

Between the Yampa Valley Airport, at Hayden, Colorado, on the one hand, and all points in the State of Colorado, on the other hand.

This certificate is restricted as follows:

(1) To a base of operations at the Yampa Valley Airport, at Hayden, Colorado.

(2) That no office or branch shall be established for the purpose of developing or soliciting business at any town of city other than Hayden or Steamboat Springs, Colorado, or the Yampa Valley Airport at Hayden, Colorado.

(3) That all tariffs and rates for the transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per passenger effective rates of said fixed-route carrier by air so operating on schedule between said points, to be non-competitive therewith;

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission within thirty (30) days from date hereof.

The Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of December, 1968.
ls

(Decision No. 72251)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF DARREL M. TURNER, M. J. TERRY AND ROBERT ROARK ON BEHALF OF THEMSELVES AND OTHERS SIMILARLY SITUATED FOR AN ORDER AUTHORIZING PUBLIC SERVICE COMPANY OF COLORADO TO RENDER STREET LIGHTING SERVICE IN AN UNINCORPORATED AREA IN BOULDER COUNTY.	)	APPLICATION NO. 23229

December 4, 1968

Appearances: D. D. Cawelti, Esq., Denver, Colorado, for Public Service Company of Colorado; H. A. Galligan, Jr., Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mr. Darrel M. Turner and others, representing themselves and all other customers similarly situated, for an order authorizing Public Service Company of Colorado (Public Service) to install, operate and maintain street lighting service in an unincorporated area in Boulder County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on November 22, 1968, at 10:00 o'clock A.M., in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado.

No petitions of intervention were filed prior to the hearing and no one appeared at the hearing in opposition to the application.

A petition for street lighting service addressed to Public Service was circulated among the residents of an area in which 37 customers now receive electric service. Of the 37 customers, signatures were obtained of 35, or a percentage of 94.6% of the total number of customers. Said petition was submitted as Exhibit No. B. The tariff of Public Service

providing for street lightin in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service of a petition from all electric customers within the area or upon an order or decision of this Commission directing street lighting service to be established in the area. Since two customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. Darrel Turner. Mr. Turner testified that no public street lighting now exists in the area contemplated in this application. He stated that police protection was inadequate and that adequate lighting would reduce vandalism in the area. He also stated that lighting was essential from the standpoint of traffic safety particularly at the street intersections in the subdivision.

Mr. D. E. Lichtenwalter, Senior Engineer of Public Service Company, testified the area did not presently meet the requirements of the tariff conditions with respect to total number of customers and density; however Public Service Company has entered into an interim street lighting agreement with Carl L. Turner, doing business as Turner Realty, whereby Mr. Turner has agreed to pay in advance for two lights in the area for two years, and thereafter until the required number of customers in sufficient density are available. With this agreement the existing customers in the area fulfill the requirements of the tariff for the remaining number of lights to be installed. Said interim street lighting agreement was submitted as Exhibit C.

Mr. Carl L. Turner of Longmont, Colorado, testified that the contract introduced as Exhibit C was the agreement with Public Service Company signed by him wherein he has agreed to make payment for two street lights until such time as an additional number of customers of sufficient density are present to meet the requirements of the street lighting tariff.

Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. No construction contributions are required of electric customers and, as provided in the tariff, a charge of $0.55 per month per customer will be made. The engineering of the street lighting for the area has already been undertaken. It will require approximately 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Colorado P.U.C. No. 4, Thirteenth Revised Sheet No. 282, First Revised Sheet No. 282A and Original Sheet No. 282B.

The proposed street lighting system was estimated to cost $1025 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing statement should be, and hereby is, made a part of these Findings by reference.

That it has jurisdiction of the subject matter of this application, and of the Public Service Company of Colorado.

That the preservation of the public peace, health and safety requires the installation of a street lighting system in the area described in the Order to follow; and, that public convenience and necessity require the service.

O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado PUC No. 4 Electric Thirteenth Revised Sheet No. 282, First Revised Sheet No. 282A and Original Sheet No. 282B, now existing or as it may be changed under the rules of this Commission, or according to law.

That street lights, approximately seven in number, shall be installed as required in the area described as follows:

> Beginning at the southeast corner of the lot numbered as 12650 Woodland Drive; thence westerly to the southwest corner of said last-named lot; thence southerly to the south right-of-way line of Cambridge Avenue; thence westerly along said right-of-way line to the intersection with a line formed by the northeast lot lines of the lots located on the northeast side of Hill Crest Drive; thence in a general southerly direction along the northeast and east lot lines of the lots located on the north east and east side of Hill Crest Drive, continuing to the centerline of Colorado Highway 66; thence westerly along said last-named centerline to the intersection with a southerly extension of the west lot line of the lot located on the northwest corner of Hill Crest Drive and Colorado Highway 66; thence northerly along said last-named lot line, continuing along the rear lot lines of the lots facing on Hill Crest Drive, continuing across Waterbury Road to the northeast corner of the lot located on the northeast corner of Hill Crest Drive and Waterbury Road; thence southerly along the east lot line of said last-named lot to the centerline of Hill Crest Drive; thence easterly along said last-named centerline to the intersection with a northly extension of the east lot line of the lot located immediately adjacent to the east of the lot located on the southeast corner of Hill Crest Drive and Waterbury Road; thence southerly along said last-named east lot line to the southeast corner of said last-named lot; thence westerly to the southeast corner of the lot located on the southeast corner of Hill Crest Drive and Waterbury Road; thence southerly along the east lot lines of the lots located on the east side of Waterbury Road to the intersection with the north lot line of the lot numbered as 10613 Park Ridge Avenue; thence easterly along the north lot lines of the lots located on the north side of Park Ridge Avenue to the centerline of U.S. Highway 287; thence south along said last-named centerline to the intersection with the centerline of Park Ridge Avenue; thence westerly along said last-named centerline to the intersection with a northly extension of the east lot line of the lot numbered as 12782 Woodland Drive; thence southerly along the east lot lines of the lots located on the east side of Woodland Drive to the southeast corner of the lot numbered as 12650 Woodland Drive, the point of beginning.

That this Order is conditioned upon the performance of the terms of the contract, identified as Exhibit C in this matter, with respect to the advance payments for two street lights prior to installation of the system herein ordered.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of December, 1968.

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Original

(Decision No. 72252)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: NATIONAL MOTOR FREIGHT)
CLASSIFICATION A-10, COLORADO) CASE NO. 1585
PUC NO. 7, SUPPLEMENT NO. 9)
)

December 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 22, 1968, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N. W., Washington, D. C. 20036, filed Supplement No. 9 to its NMFC A-10, Colorado PUC No. 7, scheduled to become effective December 23, 1968, except as otherwise provided. In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 9, which appear as Appendix "A" hereto. The changes as shown by Supplement No. 9, are set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 9, appear to represent just, fair and reasonable classes and rules, the Commission states and finds that an order should be entered prescribing the same, under the provisions of Rule 18-C (1) (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings, and Appendixes "A" and "B" herein, be, and they are hereby, made a part hereof.

2. That the classes and items (rules) as set forth in Supplement No. 9, amending NMFC A-10, Colorado PUC No. 7, shall be the

prescribed classes and items (rules) of the Commission.

3. That all motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-10, Colorado PUC No. 7, as amended, shall comply with the changes provided herein on December 23, 1968, except as otherwise provided.

4. That on and after December 23, 1968, except as otherwise provided, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-10, Colorado PUC No. 7, as amended, shall cease and desist from publishing, demanding or applying classes and items (rules) which shall differ from the classes and items (rules) published in National Motor Freight Classification A-10, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) percent.

5. That this rule shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

6. That the orders entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

7. That this order shall become effective forthwith.

8. That jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
13th day of December, 1968. av

TITLE PAGE TO APPENDIXES

National Motor Freight Traffic Association, Inc., Agent
NMFC, A-10, Colorado PUC No. 7
Supplement No. 9

Effective December 23, 1968

Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 9
amending NMFC A-10

CLASSES AND RULES

applying on:

Freight Traffic covered by tariffs governed by this classification as such tariffs may provide.

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Case No. 1585
Decision No. 72252
December 13, 1968

PREFACE: Below is a summary list of changes being proposed in this supplement. (* indicates new item number.) Following this summary list will be found a detailed explanation of the reasons for the proposed change ("D?-S?" means Docket number and Subject number under which identification the National Classification Board considered this proposal under its established rules of procedure.)

222-A	41820-A	67992-A	103092-A	162813-A	
535-B	41830-A	73570-A	109260-A	162814-A	180280-A
11650-A	41840-A	74910-B	109500-A	162816-A	180300-A
11652-A	41850-A	*79132	109501-A	*162817	180302-A
*14490	44380-A	*79134	109504-A	162990-A	181870-A
16250-A	*44565	*81810	109512-A	*163720	181872-A
17000-B	45750-A	83650-A	109514-A	*163722	*183624
*19693	49231-A	87540-A	*114030	164340-A	188860-A
19920-A	49232-A	87550-A	*116042	164342-A	188862-A
20360-A	*49233	*87552	*131706	*164420	195900-A
22270-A	*49234	98210-A	133452-B	*164422	Pkg. 413
22280-A	49540-B	98250-A	133454-B	*168925	Pkg. 794
22290-A	49542-B	98350-A	141960-A	*168930	Pkg. 2066
22292-A	*50080	98370-A	149060-A	*168932	Pkg. 2075
24620-A	61080-A	98390-B	149260-A	*168934	Pkg. 2076
24623-A	61082-A	*98392	150090-A	*168936	
26040-A	*61090	98400-A	150690-A	*168938	
*28410	61100-A	98410-A	150692-A	*168940	
38030-B	61110-A	*100150	*154330	*168942	
39220-A	65340-A	*100152	156870-A	168950-A	
41025-A	66375-A	*100610	*156872	*179566	
	67990-A	103090-A	156940-A	*179567	

Item (Rule) 222 (D135-S102)

This is a shipper proposal and provides a modification of Section 4 insofar as it deals with certification. The certification requirements herein proposed will make clarification in that the proposed changes are very similar to that of the rails. Not only will the proposal make for clarification, but it also will be beneficial to shippers as well as carriers in that certification requirements will be the same. Added restrictions result in an increase.

Item (Rule) 535-B (Memo)

Note 1 of item (rule) 222 expires with 12/31/68 by its own terms and therefore this item 535 is being brought forward to reflect its then current (as of 1/1/69) application, which results in neither increases nor reductions.

11650-A
11652-A
(D133-S16)

Air Hose or Air Duct. Items being cancelled for tariff clarification and simplification to ensure proper application of the tariff provisions. See new items 100150 and 100152. This cancellation, and cross-references to new items to apply, result in neither an increase nor a reduction.

*14490 (D129-S46)	Apparatus, carbon dioxide or oxygen control. This was a shipper proposal to establish a new specific entry in the classification on atmosphere control equipment. Based on transportation characteristics, this is justified and will remove any doubt and ensure proper application of the tariff provisions.
16250-A (D135-S33)	Fish Bait, dough or meal type. This is a shipper proposal to specifically provide for preserved pork rind fish bait. Shipping characteristics warrant the approved classes and the broadening of this item results in a reduction.
17000-B (D135-S20)	Playground Apparatus, NOI. This is a National Classification Board proposal to clarify the application of this item and eliminate the possibility of use of the item on ladders which are otherwise provided for under separate items, which restricted application results in an increase.
*19693 19920-A (D134-S24)	Supports or Mountings, engine or transmission. This item cancelled and re-numbered as item 19693 to allow proper alphabetical listing.
20360-A (D134-S30)	Baby Safety Harness. Item being cancelled for clarification and simplification to ensure proper application of the tariff provisions, under new item 50080, resulting in neither an increase or reduction.
22270-A 22280-A 22290-A 22292-A (D134-S55)	Baskets or Hampers, NOI, bamboo, grass, rattan. This is a Board proposal to amend this item to include baskets or hampers, overhandled type (now listed in item 22280) and other than overhandled type (now listed in item 22290). Based on transportation characteristics of the articles involved, in particular the density range from 2.0 to 4.7 pounds, it was decided the distinctions in descriptions and classes were no longer justified. Broadening and restricting the application of this item could result in both increases or reductions. Baskets or Hampers, NOI, bamboo, overhandled. This item is eliminated. Classes on articles previously listed are now provided in item 22270 since transportation characteristics are properly reflected by the description and classes in that item. Baskets or Hampers, NOI, bamboo, other than overhandled. This item is eliminated. Classes on articles previously listed are now provided in item 22270 since transportation characteristics are properly reflected by the description and classes in that item. Note. This note is cancelled because of no further application.

24620-A 24623-A (Memo)	Boat construction kits. Wording in Sub 1 of item 24620 changed for clarification, resulting in neither an increase or reduction. Item 24625 brought forward without change in application.
26040-A (D134-30)	Immersion Heating Elements. Item description changed for clarification and to allow immersion heating elements when construction of materials other than copper and iron or steel combined to move at same classes. This should ensure proper application of the tariff provisions. Removing the restriction "copper and iron or steel combined" of this item results in a reduction, since it broadens the application.
*28410 (D135-S77)	Insoles, plastic. This is a carrier proposal seeking to establish a new item to provide specifically for plastic mesh insoles. Classification now provides specifically for cork insoles and felt insoles with which these compete. Based on the transportation characteristics of this article and competition with other articles at same or lower densities, proposal was approved. Description is so written to avoid possibility of cellular or expanded plastic insoles to be classified under this item.
38030-B (D135-S17) (D135-S65)	Moldings, banak. This is shipper proposal and item description is being amended to include native wood (pine) also obeche moldings on same basis as banak and virola (foreign woods) moldings. The shipping characteristics are almost identical. Broadening the provisions of this item results in a reduction.
39220-A (D134-S22)	Bath cabinets. LTL and TL classes changed on the basis of low densities on nine different manufacturers with a range of 1.37 pounds to 3.36 pounds per cubic foot, an average of 2.51 pounds per cubic foot. Value information range from $3.63 to $7.50 per pound. Commodity is light and bulky, stowability is poor in the utilization of equipment. Increased classes in Sub 1 of this item results in an increase.

41025-A (D135-S7)	Containers. This was a carrier proposal seeking to establish specific classes on bulk commodity shipping containers made of sheet steel. Item 41025, presently providing for such containers made of aluminum or magnesium was amended to provide for sheet steel bulk containers in a separate Sub at classes appropriate for the article based on the facts presented by the proponent. Broadening the application of this item to apply on a commodity not previously shown, results in a reduction. Removal of "with runners or legs" may restrict the application and therefore may result in increases.
41850-A (D134-S26)	Cellulose Film, sheets, printed. This is a shipper proposal seeking to establish reduced classification classes on printed cellulose film, in rolls to same level as is presently in effect on unprinted cellulose film in rolls. Based on the transportation characteristics of the commodity, as well as the fact that similar ratings now are in effect on cellulose film wrappers, the request was modified to the approved ratings. Reduction in LTL and TL classes results in a reduction.
44380-A (D133-S158)	Dyes or Colors, coal tar. Shipper proposal providing a new type package for use in truckload quantities only. The proposed package was tested in accordance with the provisions of item 689 of the Classification the results of which indicate that the package is acceptable. Adding Package 2075 to the provisions of this item results in a reduction because it broadens the application of this item.
*44565 (D133-S115)	Fuel, ration heating. New entry being added to provide specifically for ration heating fuel having a density of 21 pounds per cubic foot and a value of $1.00 per pound.
45750-A (D134-S58)	Citrate. Shipper proposal to amend item 45750 to provide for an alternate method of packaging. Products which have similar characteristics as potassium citrate have been packaged successfully in specially constructed 5-ply, multiple-wall bags for many years. This proposal has been approved on this basis. The addition of alternate packaging provisions results in a reduction.

49231-A 49232-A *49233 *49234 (D134-S45)	Cloth or Fabric. The cancellation of this item and establishment of item 49233 would clarify and ensure the proper application of tariff provisions, resulting in neither an increase or reduction. Note: Note being amended for tariff clarification and simplification to ensure proper application of the tariff provisions. Cloth or Fabric, other than rugs or carpeting. This will clarify the classification and put in its proper place the distinction between foam rubber and combined with cloth and foam plastic combined with cloth. The note added for tariff clarification and simplification and to ensure proper application of tariff provisions.
49540-B 49542-B (D135-S93)	Plush, or Pile Fabric NOI. Provisions brought forward without change for tariff clarification. Item description amended for tariff clarification and simplification to eliminate the application of the entry to napped jersey cloth which has characteristics similar to other types of pile fabric excluded from the entry. Restriction of application results in an increase.
*50080 (D134-S29)	Collars, Harness, Leads, Leashes or Straps, baby safety or dog or cat. New item being added for tariff clarification and simplification to ensure proper application of the tariff provisions.
61080-A *61090 61100-A 61110-A (D133-S19)	Bus Bar System. This is a shipper proposal to amend item description to allow Bus Bar System with or without insulators to reflect present day shipping patterns and to ensure proper application of the tariff provisions, which broadened application results in a reduction. Bus Bars, aluminum, copper or iron or steel. This is a shipper proposal to add a new item to specifically provide that iron or steel bus bars move at same classes as aluminum or copper bus bars and to the extent of iron or steel, this would be a reduction. Classes assigned are reflective of the transportation characteristics of the product. Bus Bar, aluminum. Item description being cancelled in conjunction with new item 61090 being established. This will not change classes on aluminum bus bars, resulting in neither an increase or reduction. Bus Bar, copper. Item description being cancelled in conjunction with new item 61090 being established. This will not change classes on copper bus bars, resulting in neither an increase or reduction.

65340-A (D134-S28)	Feeders, salt. Item description being amended to preclude its application to plastic salt feeders (salt holders). Such feeders will be classed under item 156600 which provides classes in accordance with the shipping density. Restricting the application of this item results in an increase insofar as this item is concerned.
66375-A (D133-S144)	Bag fasteners. This is a shipper proposal to reduce the classes on plastic bag fasteners without paper price tags in order that they may compete with a plastic tie with a wire core. The density and value justify the lower classes. Addition of lower classes not previously shown in this item, results in a reduction.
67990-A 67992-A (D135-S90)	Felt, NOI; or Felt in shapes, NOI. This item brought forward without change. Note item description amended for tariff clarification and simplification to more adequately explain the articles embraced, which expanded and restricted application could result in both an increase and a reduction.
73570-A (D131-S4)	Juice, citrus. This is a shipper proposal to add a new item to properly cover a product not now specifically named. It was determined, however, that such action was not necessary and by amending item 73570 to provide for citrus fruit juices <u>without</u> sugar, the purpose of the proposal was accomplished, precluding any question on the application of the item which previously existed. Broadening the application of this item to include <u>without</u> sugar, results in a reduction.
74910-B (D134-S60)	Sugar, beet or cane, other than raw. Shipper proposal requesting that the packing provisions of item 74910 be amended to reflect active packing. With this action obsolete packing was removed and the packing requirements restricted resulting in an increase.
*79132 *79134 (D135-S28)	Blackboards (Chalkboards) or Pegboards. This was a shipper proposal to amend item 79135 to allow for blackboards or pegboards constructed of plastic and steel to be classified under this item which is now restricted to wood or wood and steel combined articles. Shipping characteristics of this article did not warrant same classes as are effective on wood and steel articles, therefore a new item was established to provide for this particular construction at classes appropriate for the density and value information presented by proponent. To restrict the amount low density plastics in each shipment, new note item 79134 was added limiting the weight of plastic material in each shipment to no more than 20 percent of the gross weight shipped.

*81810 (D128-S84)	Table and Bench combined, picnic, juvenile. This was a carrier proposal to establish a specific item for childrens' wooden picnic table and bench combined at the same level of classes as presently applies on mess tables and benches. The density and value figures (25 pounds per cubic foot and 18 cents per pound) are reasonable for the classes sought.
83650-A (D132-S31)	Furniture Stock, molded plywood. Item being amended for tariff clarification and simplification to ensure proper application of the tariff provisions. Deletion of "flat" per se restricts the application, resulting in an increase.
87540-A 87550-A *87552 (D135-S10)	Aquariums, capacity over 1/2 gallon. Item description amended to refer to new Note, for tariff clarification to further explain the application of the entry. Restricting the application of this item results in an increase. Aquariums, NOI. Item description amended to refer to new Note, for tariff clarification to further explain the application of the entry. Restricting the application of this item results in an increase. New note added in conjunction with items 87540 and 87550 for tariff clarification and simplification to further explain nature of articles embraced by the provisions.
98210-A (D125-S15)	Bonnets or Hats, millinery, in boxes. Based on transportation characteristics of commodity, in particular densities of 2 to 3 pounds per cubic foot and susceptibility to theft, the less than truckload class has been increased.
98250-A (D125-S15)	Hats, felt, old and worn out. Item obsolete, because of non-application, thus cancelled. Restricting the classification to no longer apply on this commodity, results in an increase.
98350-A (D125-S15)	Hats or Caps, palm leaf or straw. The word "finished" was eliminated to allow for the application of this item on unfinished palm leaf or straw hats, which previously were rated under item 98370. Based on available information, there is no need to distinguish between finished and unfinished hats. Removing the restriction of "finished" results in a reduction.

98370-A (D125-S15)	Hats or Caps, not millinery, Palm Leaf or straw. Item obsolete articles adequately covered under item 98350. Since these commodities are provided for in another item at higher classes, this results in an increase.
98390-B, Sub 2 *98392 (D125-S15)	Hats or Caps, NOI, not military, not flat, folded flat or nested solid. Based on transportation characteristics of articles moving under this item, 2.25 pounds to 3.0 pounds per cubic foot and susceptibility to theft, the LTL class was increased to reflect reasonable level. Other changes result in reductions. This is a specific provision to cover caps which are folded in a certain manner for packing, but are not considered to be folded flat. This note clarifies the application of classes in item 98390.
98400-A 98410-A (D125-S15)	Hats or Hat Bodies, woven wood chips. Cancelled because of non-application. Restricting the classification to no longer apply on this commodity results in an increase. Millinery or millinery goods, NOI. Item republished for tariff clarification and simplification. Broadening and restricting the application of this item could result in both an increase and a reduction.
*100150 *100152 (D133-S16)	Hose or Duct, flexible. New item added to the classification to specifically provide for this commodity and will reflect the transportation characteristics. Density range of 3.54 pounds to 7.27 pounds per cubic foot, average 5.2 pounds and value of $2.80 per pound. New note added to limit the application and will ensure proper application of the tariff provisions.
*100610 (D134-S5)	Can Openers and Ice Crushers. Addition of a new item to establish proper classes on this commodity. Based on the shipping and transportation characteristics of the commodity and lack of another item in the classification which adequately describes the material, this action is justified.

103090-A 103092-A (D131-S32) (D133-S143)	Cellular vitreous. This was a shipper proposal to establish new items for various articles made of cellular vitreous. Rather than publish individual items for each article, all were provided for under the existing item 103090 by different Subs. 1, 2 and 3 are new descriptions with appropriate classes based on the transportation characteristics of each commodity and similar classes now published on competitive articles. Sub 4 provides for articles not specifically provided for in Subs 1, 2 and 3 and the classes are the same as now published. Adding classes not previously provided for in this item, results in a reduction. Note item brought forward without change in application.
109260-A (D122-S12)	Lamps or Lighting Fixture Globes, Shades or Reflectors, NOI. Item description and classes changed to more adequately reflect modern trade practices and the transportation characteristics of this commodity, which results in both increases and reductions.
109500-A 109501-A 109504-A 109512-A 109514-A (D133-S149)	Lamps. This proposal is a request of a shipper for test shipment permit to test an unauthorized package. As a result of those tests, the package is being authorized. The package is in addition to those already authorized and such broadened application results in a reduction. Note items brought forward without change.
*114030 (D134-S89)	Afterburners, jet aircraft. New entry being added to provide specifically for Jet Aircraft Afterburners. Density is 6.94 pounds to 6.92 pounds, value $14.41 per pound, loadability very poor. This will establish proper classes on this commodity.
*116042 (Memo)	Note. Due to printers error, this item was omitted in reissue A-10. Provisions added to restore clarification of item 116040.
*131706 (D132-S1)	Post Drivers. This is a shipper proposal to add a new item to provide a specific listing for post hole drivers. The product is competitive with item 131710, post hole diggers, the machines are similar, mount on same type equipment, and to the same job. Classes assigned are reflective of the transportation characteristics.

133452-B 133454-B (D134-S12)	Note. This is a shipper proposal to provide that "Lift Truck" parts be added in item 133452 which will eliminate much clerical work on the part of both carrier and shipper. This would result in a reduction since it broadens the application of this item. Note item 133454 brought forward without change in application.
141960-A (D134-S47)	Oakum. Item description changed for tariff clarification to ensure proper application of the tariff provisions. Restricting the application of this item to only "jute or hemp" oakum results in an increase.
149060-A (D135-S60)	Waxing Pads. This proposes to exclude cellular, expanded or foam plastic or rubber as sponge rubber components from Waxing Pads which would allow provisions of items 148940 or 157320 to apply. The density reflects an average of 2.34 pounds per cubic foot which does not warrant classes 85 LTL 55 TL 24.2 MWF. Restricting the application of this item results in an increase.
149260-A (D135-S22)	Pads or Padding, NOI. Item description being amended for tariff clarification to ensure proper application of the tariff provisions. TL classes are never used and the only two known manufacturers of this commodity did not object to cancellation allowing AQ classes to apply. Increase in TL class and removal of TL minimum weight factor, result in both an increase and a reduction.
150090-A (D135-S41)	Plasticizers, paint, lacquer. This is a shipper proposal seeking to add "adhesive" to the various types of solvents and reducing and thinning compounds now listed in the item for clarification purpose. Shipping characteristics and chemical composition of adhesive are shown to be similar to paint solvents and compounds. Broadening application to include "adhesive" results in a reduction.
*154330 (D135-S4)	Starter, Fire. This was a proposal filed in behalf of specific shipper to establish a new entry for a new patented charcoal or wood fire starter. Based on the transportation characteristics, the approval is justified and will remove any doubt and ensure proper application of the tariff provisions.

156870-A *156872 (D134-S17)	Insulating Forms, or Shapes. Add reference to new note to restrict application of item so as to not apply on rocket motor insulators now classified per item 162813, which restriction results in an increase insofar as this item is concerned. New Note added restricting application of item 156870 to not apply on rocket motor insulators now classified per item 162813.
156940-A (D133-S106)	Mats, Bathtub, Shower Stall. Density range from 6.5 pounds to 57.9 pounds per cubic foot with weighted average of 19.5 pounds per cubic foot. The average weighted value is 57.7 cents per pound. The transportation characteristics warrant the reduction in LTL and TL classes.
162813-A 162814-A 162816-A *162817 (D134-S17)	Projectile or Rocket Parts, NOI, plastic or rubber. Wording of item has been changed to include projectile or rocket parts constructed of rubber or rubber and metal combined. As well, a note has been added to specifically indicate coverage of rocket motor insulators, thereby providing an index listing. The proposal originated with a shipper and is approved as modified, which results in clarification of the coverage and results in both an increase and a decrease from former levels but assigns such articles to their proper classification and classes. Note items 162814 and 162816 brought forward without change in application. Note item 162817 of explanation added in conjunction with revision of item 162813, to specifically provide coverage on rocket motor insulators as now being shipped.
162990-A (D135-S56)	Pyrographic Wooden Novelties. This is a Board proposal to cancel this item since it has no known application and, therefore, is obsolete. Restricting the classification to no longer apply on this commodity per se results in an increase.
*163720 *163722 (D133-S119)	Soldiers' Rations. New entry being added to provide specifically for supplemental Rations. The transportation characteristics are reflective of classes assigned. New Note added to require specific mixtures and ensure proper application of the tariff provisions.

164340-A 164342-A (D133-S60)	Pallet Racks. Subs 1 and 2 of item description being amended to eliminate the use of the word "flat" which is incapable of being defined satisfactorily for classification purposes. Changes are for clarification and tariff simplification. Broadening and restricting the application could result in both an increase and a reduction. Note item 164342 brought forward without change.
*164420 *164422 (D132-S93)	Racks, spacers, meat shipping. At the request of shipper a specific entry has been approved to cover this commodity. The truckload class has been increased to reflect the known transportation characteristics of this article. The National Classification Board states that these racks were formerly classified under the provisions of item 150390. Note added in order to qualify conditions under which meat shipping racks will be accepted for transportation.
*168925 *168930 *168932 (D132-S102)	This item contains provisions formerly shown in item 168950. Recordings, Sound or Sound Recording Blanks. Item description being added under new generic heading to reflect current terminology. Classes assigned are reflective of the transportation characteristics of the commodities. New note added for tariff clarification and to ensure proper application of the tariff provisions.
*168934 (D132-S102)	Recordings, sound or sound recording blanks, disc type, plastic, non-breakable. Item description being added under new generic heading to reflect current terminology. Classes assigned are reflective of the transportation characteristics of the commodities.
*168936 (D132-S102)	Recordings, sound or sound recording blanks, tape or wire, in boxes. Item description being added under new generic heading to reflect current terminology. Classes assigned are reflective of the transportation characteristics of the commodities.
*168938 (D132-S102)	Recordings, sound or sound recording blanks, NOI, in boxes or in albums in boxes. Item description being added under new generic heading to reflect current terminology. Classes assigned are reflective of the transportation characteristics of the commodities.

*168940 *168942 (D132-S102)	Recordings, sound or sound recording blanks, Scrap. Item description being added under new generic heading to reflect current terminology. Classes assigned are reflective of the transportation characteristics of the commodities. New note added setting forth the certification which must be executed before its provisions of new item 168942 may be applied.
168950-A (Memo)	Regeant, flotation, or diflocculant. This item cancelled to permit provisions to be placed in alphabetical sequence, resulting in neither an increase or reduction.
*179566 *179567 (D134-S9)	Stoppers, laboratory, rubber. Addition of a new item to establish a specific listing for this commodity. Classes assigned are reflective of the transportation characteristics of the product. Note added for clarification and to ensure proper application of the tariff provisions.
180280-A 180300-A 180302-A (D132-S102)	Talking Machine or Phonograph Records, plastic. Item being cancelled to update terminology and to establish new Generic Heading and re-establish in new item at same classes. Talking Machine or Phonograph Records, NOI, or Record Blanks. Item being cancelled to update terminology and to establish new Generic Heading and re-establish in new item at same classes. Note item being cancelled as provisions are obsolete and no longer needed.
181870-A 181872-A (D132-S102)	Recordings, sound or sound recording blanks, tape or wire, magnetic. Item changed to establish new listing on tape or wire, magnetic, other than sound recording to reflect the transportation characteristics and cover tape or wire not covered by sound recording or blanks. Note. item cancelled as obsolete in view of change in separating provisions on tape or wire. Sound recording as well as tape or wire, magnetic, other than sound recording.
*183624 (D135-S9)	Applicators, paint, hand, NOI. New item added to specifically provide for this commodity. Classes assigned are reflective of the transportation characteristics of the product.

188860-A 188862-A (D133-S124)	Carts. golf-club bag. The density range is from 2.93 pounds to 16.8 pounds with an average of 6.72 pounds per cubic foot and all transportation characteristics being considered justifies and warrants the increased classes in Sub 1. Note item brought forward without change.
195900-A (D132-S102)	Talking Machine Records. Item being cancelled to update terminology, establish under new generic heading and reduce classes from 65/37½/36.2 to 50/35/36.2 MWF, also reflect current shipping practices.
Pkg. 413 (D131-S35)	This is a shipper proposal and is the result of a Test Shipment Permit issued to the shipper. The shipper made in excess of 275 shipments involving 818 rolls with good success, therefore, the package should be approved for publication. Item 70680 already provides for the package being amended; therefore it is not necessary to make any changes in the commodity item. Broadening the provisions of this package results in a reduction.
Pkg. 794 (D133-S149)	Package 794 is being added to 109500, covering lamps, electric gas or oil NOI, and is an additional package being added to the involved commodity and results in a reduction.
Pkg. 2066 (D133-S151)	This is a shipper proposal to provide for a new type of package which has been successfully established in accordance with item (rule) 689 of the Classification. This is a broadening of the packaging provisions of item 88500 covering glass rods or pipe, which broadened provisions result in a reduction.
Pkg. 2075 (D133-S158)	This package is being added to item 44380, covering coal tar dyes or colors, to provide an alternate method of packaging for this commodity and results in a reduction.
Pkg. 2076 (D134-S58)	Shipper proposal to provide for a new package for Potassium Citrate as covered by item 45750. Package, which is a specially constructed 5-ply multiple-wall bag, has been shipped successfully for many years with products of similar characteristics.

RULES

44ITEM (RULE) 222-A

SPECIFICATIONS FOR FIBREBOARD BOXES

CORRUGATED OR SOLID FIBREBOARD BOXES

Section 1:

(See Section 14 for explanation of terms.) Subject to provisions of item (rule) 680, and unless otherwise provided in separate descriptions of articles, or in Dangerous Articles Tariff referred to in item (rule) 540, when the following requirements and specifications are complied with, rates or classes applying on articles "in boxes" will apply on the same articles in solid or corrugated fibreboard boxes described in this rule, all hereinafter referred to as fibre boxes, or as fibreboard boxes.

Use of "Other Than item (rule) 222" Boxes:

Provisions in commodity tariffs or exceptions to the classification reading "in boxes" will apply when the fibreboard boxes used comply with either the requirements of this item (rule) or with other specific requirements authorized in this classification.

Section 2:

Fibre boxes without wooden frames must be made of 3-ply or more solid fibreboard, except as provided in Note, having proper bending qualities, all plies firmly glued together, and outer ply having water resistance, or of single wall, double wall or triple wall corrugated fibreboard having proper bending qualities, each outer and each inner facing being of fibreboard having proper bending qualities, facings being firmly glued to the corrugated medium at all points of contact and the outer facings having water resistance. The corrugating medium in all corrugated fibreboard referred to in this rule or in separate descriptions of articles must be made of board not less than .009 inch thick and weighing not less than 26 pounds per 1,000 square feet of quality sufficient to produce finished board of adequate rigidity.

Hand Holes, Ventilating Holes, Easy-Opening Devices:

Provided the carrying ability of the box is not materially impaired, boxes:

(a) May have hand holes or ventilation holes.

(b) May be perforated once around to facilitate separation into two parts, OR may have not more than two lines of perforations provided the total lineal inches of perforation do not exceed the perimeter of the box (twice the sum of the inside length and width).

(c) May have inside facing slit to form not more than two lines or ribbons for easy opening or may have outside facing slit to form not more than one line, but not both, provided further the corrugating medium in either case is neither cut, crushed nor otherwise damaged.

(d) To facilitate easy opening, inner and outer flaps may be perforated paralleling but not closer to score lines than 1½ inches and each inner flap may have one slot extending from line of perforation to the non-scored edge.

Note 1--Boxes having not more than four sides may be made of two ply solid fibreboard when the maximum weight of box and contents does not exceed 40 pounds.

Section 3:

The following requirements must also be complied with:

		Corrugated Fibreboard						Solid Fibreboard	
		Single Wall		Double Wall		Triple Wall (See Note 5)			
Maximum Weight of Box and Contents (Pounds) (See Notes 7 and 8)	Maximum Inside Dimensions (Length, Width and Depth added) (See Note 4) (Inches)	Minimum Combined Weight of Facings (Pounds per 1000 square feet)	Minimum Bursting Test of Combined Board (Pounds per square inch) (See Notes 1 and 3)	Minimum Combined Weight of Facings Including Center Facing (Pounds per 1000 square feet)	Minimum Bursting Test of Combined Board (Pounds per square inch) (See Notes 1 and 3)	Minimum Combined Weight of Facings Including Center Facing (Pounds per 1000 square feet)	Minimum Puncture Test of Combined Board (Inch ounce per inch of tear) (See Notes 2 and 3)	Minimum Combined Weight of Component Plies (exclusive of adhesives) (Pounds per 1000 square feet)	Minimum Bursting Test of Combined Board (Pounds per square inch) (See Notes 1 and 3)
20	40	52	125	.....	.....	.....	.....	114	125
40	60	75	175	.....	.....	.....	.....	149	175
65	75	84	200	92	200	.....	.....	190	200
90	90	138	275	110	275	.....	.....	237	275
120	100	180	350	126	350	.....	.....	283	350
140	110	.....	.....	222	500	.....	.....	330	500
160	120	.....	.....	270	600	.....	.....	360	600
275	120	.....	.....	.....	.....	264	1100	.....	.....

Table A. For all fibreboard boxes other than those described in Section 6, Paragraph (k).

225	60	138	275	110	275	.....	.....	237	275
300	60	180	350	126	350	.....	.....	283	350

Table B. For double thickness score line boxes described in Section 6, Paragraph (k).

Bursting Test Procedure:

Note 1—(a) Minimum test per square inch referred to in this rule, in separate descriptions of articles, or in descriptions of package numbers, means the bursting strength of material in pounds per square inch, measured by tests made with the Cady or Mullen tester. The diaphragm used in this tester shall be such that a pressure of 23 to 30 pounds will distend it to a height of 3/16 inch above the diaphragm plate. A motor driven tester of the jumbo type operating at a constant speed of approximately 120 revolutions per minute shall be used.

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES—Continued

ITEM (RULE) 222-A—Continued

(b) In applying Cady or Mullen tests, a specimen of the board shall be clamped firmly in the machine to prevent slippage. If board slips during tests, the results must be disregarded. In testing corrugated board, double-pop tests may be disregarded.

(c) Six bursts must be made on unscored areas, 3 from each side of the board. Only one burst is permitted to fall below minimum test required. Board failing to pass foregoing test will be accepted if in a re-test consisting of 24 bursts, 12 from each side of board, not over 4 bursts fall below the minimum test required. When individual bursts in a series are invalidated for reasons described under Paragraph (b), and disregarded, additional bursts shall be made until the total number of valid bursts required to complete the series (6 or 24, as the case may be) has been secured.

Puncture Test Procedure:

Note 2—(a) Minimum puncture test means inch ounces per inch of tear on the scale plate of the Beach Puncture Tester, when equipped with weights which give a maximum scale value of at least 350 inch-pounds of energy when the pendulum is in horizontal position.

(b) Not less than four puncture tests must be made on unscored areas. Only one test may fall below minimum prescribed but not more than 10 percent below the prescribed minimum. One test must be made in such manner that the corrugations of the combined board run in the same plane as the puncture arm and one test with corrugations at right angles to the first test. Such tests must be made from both sides of the board.

Referee Test Conditions:

Note 3—In case of dispute, referee tests for bursting strength, puncture and weight of facings shall be made after board has been conditioned to equilibrium in an atmosphere of 50 percent (plus or minus 2 percent) relative humidity and 73° (plus or minus 3.5°) temperature Fahrenheit.

Size Extension Formula:

Note 4—If weight of box and contents is less than maximum weights shown in Table A above, the maximum inside dimensions for that box may be increased half the percentage that the actual weight is less than maximum weight specified, see Section 4, Note 4.

Double Wall or Triple Wall Boxes For Weights Over 160 Pounds:

Note 5—Where in separate description of articles, provision is made for shipment in boxes and also in packages bearing specific package numbers, double wall boxes as specified in Note 7 or triple wall boxes as specified in this rule may not be used for gross weights exceeding 160 pounds, unless all provisions of the specifically numbered package (except Mullen test on triple wall boxes), are complied with. The term "fibreboard boxes" as used in specifically numbered packages includes those referred to as containers. Such boxes must bear certificate prescribed in Section 4 (c).

Box Within a Box—Both of 175 Pound Test Fibreboard:

Note 6—Two complete boxes of fibreboard testing not less than 175 pounds, complying with Table A, one fitting closely inside the other, may be used for a maximum gross weight of 90 pounds. Maximum inside dimensions must not exceed 90 united inches. Such boxes must bear certificate prescribed in Section 4, Note 4.

Double Wall or Triple Wall Boxes For Weights Over 160 Pounds:

Note 7—Double wall and triple wall corrugated fibreboard boxes made with heavy duty manufacturer's joints described below, will be accepted for shipment when packed to the gross weights indicated:

(a) Double Wall Boxes, see Note:

(1) When double wall corrugated boxes, having bursting test of not less than 500 pounds and otherwise complying with Sections 2 and 3, have manufacturer's joint secured by lapping sides of box forming the joint not less than 1¼ inches and joints are fastened with metal staples or stitches not less than 0.103 inch wide and 0.023 inch thick when made of flat wire or not less than 0.103 inch wide and 0.020 inch thick when made of arcuate wire spaced not more than 1 inch apart, gross weight may be increased from 140 pounds to not more than 200 pounds. Note 4 will not apply.

(2) When double wall corrugated boxes, having bursting test of not less than 600 pounds and otherwise complying with Sections 2 and 3, have manufacturer's joint secured by lapping sides of box forming the joint not less than 1¼ inches and joints are fastened with metal staples or stitches not less than 0.103 inch wide and 0.023 inch thick when made of flat wire or not less than 0.103 inch wide and 0.020 inch thick when made of arcuate wire spaced not more than 1 inch apart, gross weight may be increased from 160 pounds to not more than 225 pounds. Note 4 will not apply.

(b) Triple Wall Boxes, see Note:

(1) When triple wall corrugated fibreboard boxes, having puncture test of not less than 1100 units and otherwise complying with Sections 2 and 3, have manufacturer's joint secured by lapping sides of box forming the joint not less than 2 inches and are fastened with metal staples or stitches not less than 0.103 inch wide and 0.023 inch thick when made of flat wire or not less than 0.103 inch wide and 0.020 inch thick when made of arcuate wire spaced not more than 1 inch apart, gross weight may be increased from 275 pounds to not more than 350 pounds. Note 4 will not apply.

Note—Boxes made to conform to the requirements of Note 7 must bear certificate as illustrated in Section 4 (a) showing weight limit authorized in the appropriate Paragraph (a) or (b) above. Beneath certificate must be printed "Conforms to Note 7, Section 3, item (rule) 222".

Note 8—(a) The rates or classes for freight in fibreboard boxes or special numbered fibreboard packages will also apply on such freight when the boxes or special numbered fibreboard packages are enclosed in outer fibreboard boxes, the fibreboard meeting the construction requirements of Sections 2 and 3 of item (rule) 222 subject to the following conditions:

Not less than two inner containers may be enclosed in the outer box. The inner containers need not be closed but must comply in all other respects with item (rule) 222 and special numbered fibreboard package requirements, including certification provisions, must be uniformly of same dimensions, and must fit tightly in outer box. Outer box must be closed as required by item (rule) 222. Gross weight may be increased to not exceeding four (4) times the gross weight allowable under Section 3, Table A, of item (rule) 222 for the particular grade (bursting test or puncture test) of fibreboard used in the outer box except that on outer box testing less than 175 pounds gross weight must not exceed 60 pounds.

Outer boxes must bear circular certificate as prescribed in Section 4 (a), except size limit and gross weight limit may be omitted and below certificate must be printed "Conforms to Note 8 (a), Section 3, item (rule) 222".

(b) The rates or classes for freight in boxes will also apply on freight in containers authorized for individual commodities when enclosed in outer triple wall corrugated fibreboard boxes, the fibreboard complying with item (rule) 222, Section 3, Table A. Dimensions of the triple wall corrugated fibreboard container may be increased to not exceeding 166 united inches and gross weight may be increased to not exceeding 1,000 pounds. Each container must be securely strapped to wooden pallet or wooden base with metal straps running lengthwise and girthwise, the distance between girthwise straps or girthwise straps and edges of container not to exceed 23 inches.

Outer boxes must bear circular certificate as prescribed in Section 4 (a), except size limit and gross weight limit may be omitted and below certificate must be printed "Conforms to Note 8 (b), Section 3, item (rule) 222".

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES—Continued

ITEM (RULE) 222-A—Continued

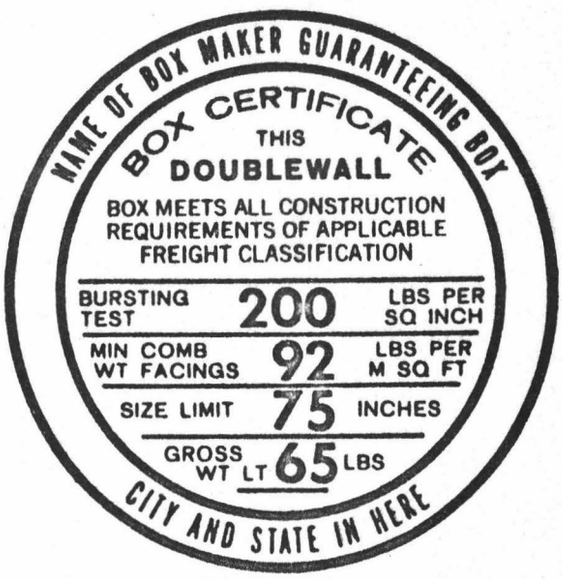
Certificate of Box Maker

Section 4:

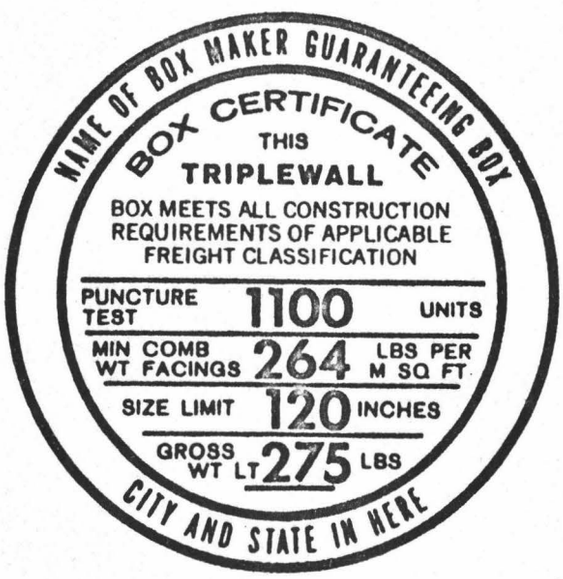
(a) All fibre boxes that are made to conform to specifications of this rule must bear a legible certificate of a box marker, guaranteeing that boxes do so conform. Certificate must be of following form, size, type and wording, except as otherwise provided in this section.



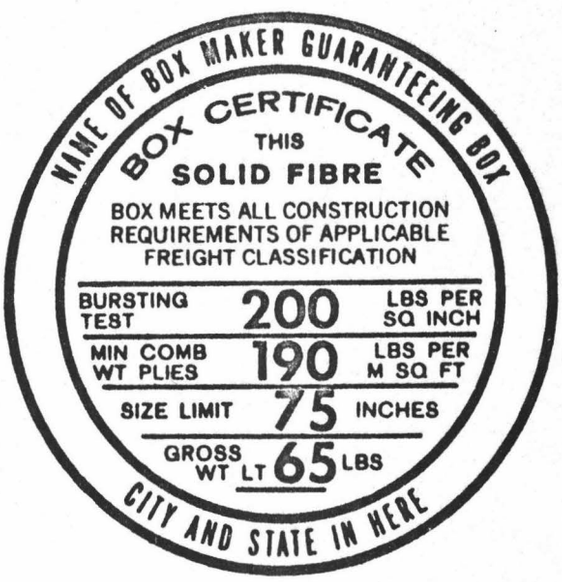
For Singlewall Boxes



For Doublewall Boxes



For Triplewall Boxes



For Solid Fibre Boxes

Note 1—On fibre boxes having length of less than 10 inches or width of less than 9 inches, the above certificates may be reduced in size, but outside diameter must not be less than 2 inches.

Note 2—Fibre boxes made in foreign countries and used for freight imported into the United States and conforming with all provisions of item (rule) 222 need not have certificate of box maker printed thereon, or the box maker's certificate may be printed in the language of the country in which made, provided shipper certifies on bills of lading that the boxes do so conform.

Note 3—The test stated in this certificate must be the minimum required for the gross weight and dimension limit, except as provided in Note 4 of Section 4, and the combined weight of facings or plies must be the minimum prescribed by Section 3. When the actual test is in excess of the minimum test required, the actual test may be stated below the certificate, but in such case all ratings and rules in this classification as provided for a box having required minimum test will apply.

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES—Continued

ITEM (RULE) 222-A—Continued

Section 4—Concluded

Note 4—On boxes made to comply with Note 4 of Section 3, which permits increase in size when gross weight is reduced, "size limit" and "gross wt. limit" may be omitted, but certificate must otherwise comply with requirements of Paragraph (a) of Section 4, and below certificate must be printed "Conforms to item (rule) 222, Section 3, Note 4." On boxes made to comply with Note 6 of Section 3, inner and outer box must bear certificate complying with Section 4 (a) and below the certificate on outer box must be printed "Conforms to Note 6, Section 3, item (rule) 222".

Note 5—On boxes made to comply with Paragraph (d) of Section 5, certificate must show the actual "size limit" and "gross weight limit" authorized by Paragraph (d) and the certificate must otherwise comply with requirements of this Section, and below certificate must be printed: "Conforms to Section 5, item (rule) 222".

(b) Double thickness score line boxes which conform to requirements of Section 6 (k) of this item (rule) must bear a certificate in the following form, size, type and wording:

BOX CERTIFICATE
THIS DOUBLE THICKNESS SCORE LINE BOX MEETS ALL OF THE CONSTRUCTION REQUIREMENTS OF APPLICABLE FREIGHT CLASSIFICATION.
BURSTING TEST _____ LBS PER SQ IN
GROSS WT LT _____ LBS
(Name of Box Maker Guaranteeing Box.)
(City and State in here.)

(c) Fibreboard boxes, including those referred to as "containers," not authorized by this rule but which are authorized by item (rule) 680, Sec. 1 (c) of classification, as amended, for some particular article must bear the appropriate certificate in the following form, size, type and wording:

PACKAGE CERTIFICATE
THIS BOX MEETS ALL CONSTRUCTION REQUIREMENTS OF APPLICABLE FREIGHT CLASSIFICATION.
FOR PACKAGE NO. 000
BURSTING TEST LBS. PER SQ. IN. 000
(Name of Box Maker Guaranteeing Box)
(City and State in here.)

For triple wall boxes, substitute the words "Puncture Test Units" for "Bursting Test Lbs. Per Sq. In." in the above certificate.

Where numbered packages authorize different tests of fibreboard for bodies and caps, test of the body only need be shown.

On boxes made to comply with Section 5, Note 1, certificate must be in rectangular form shown above, enlarged to include certification for Packages 1304 and 1305. Such certificate must show bursting test, size limit and weight limits.

(d) When used for LTL shipments, boxes which bear certificate prescribed in Paragraph (a), (b) or (c) and which boxes do not show description of contents must be marked with an identifying symbol or number and identifying symbol or number must be shown on shipping order and bill of lading.

Note 6—Not currently used.

Note 7—Shipments in fibreboard boxes manufactured on or before October 1, 1969, and bearing the form of certification required by Section 4 of item (rule) 222 as of January 1, 1969 will be accepted for transportation if tendered to carriers parties hereto before March 31, 1971.

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES—Continued

ITEM (RULE) 222-A—Continued

Section 5:

Except as otherwise provided, glassware, articles in glass or earthenware, or fragile articles will be accepted in fibre boxes only under the following conditions:

(a) All outer fibreboard boxes must comply with Sections 2, 3, 4, 7 and 11, except as provided in paragraph (d) or Note 1.

(b) Except as provided in paragraph (d), glassware, articles in glass or earthenware, or fragile articles must not exceed 65 pounds gross weight. Liquids in individual glass or earthenware containers exceeding one gallon capacity will not be accepted in fibre boxes.

(c) Except as more specifically provided in paragraphs (d), (e) and (f), contents must be packed within container by or with liners, partitions, wrappers, excelsior, straw or other packing material which will afford adequate protection against breakage or damage and box must be completely filled.

(d) Articles in glass or earthenware containers not exceeding one gallon capacity may be shipped in double wall corrugated boxes testing not less than 275 pounds with inner and outer flaps meeting, or outer flaps meeting and space between inner flaps filled with pad of same fibreboard of which box is made; or in corrugated fibreboard boxes testing not less than 275 pounds lined on sides, ends, tops and bottoms with single wall corrugated fibreboard testing not less than 200 pounds. Glass or earthenware containers must be separated one from the other by 200 pounds test single wall scored shells. Gross weight must not exceed 100 pounds and maximum inside dimensions must not exceed 100 inches.

(e) Articles in liquid or articles other than liquid, in individual glass or earthenware containers exceeding one gallon capacity, but not exceeding 65 pounds gross weight, must be packed in individual boxes lined on all sides with double wall corrugated fibreboard and box must have top and bottom pad made of double wall corrugated fibreboard; OR container must be separated from all sides of box not less than ½ inch by double wall corrugated fibreboard testing not less than 275 pounds, with shoulder height corner posts and box must have top and bottom pad of corrugated fibreboard; OR container must be separated from all sides of box not less than ½ inch by die-cut or inverted hole-cut creased sheet made of fibreboard, testing not less than 200 pounds, and box must have top and bottom pad made of corrugated fibreboard, OR when glass or earthenware container consists of a barrel/jar in individual boxes testing not less than 200 pounds, such jar must be in inner box made of double wall corrugated fibreboard. Walls of inside box must extend not less than half the height of jar. Inner and outer flaps at bottom must meet and top flaps must be folded down on walls of carton. Top or bottom pad will not be required.

(f) Dry articles may also be shipped in individual glass or earthenware containers exceeding one gallon capacity but not exceeding 65 pounds gross weight and must be packed in individual boxes as follows:

When capacity does not exceed three gallons, container must be separated from all sides of box not less than ½ inch by shoulder height corner posts made of single wall corrugated fibreboard testing not less than 200 pounds and box must have top and bottom pads made of single wall corrugated fibreboard testing not less than 175 pounds folded to provide not less than three thicknesses. When capacity exceeds three gallons but does not exceed 5 gallons, box must be of double wall corrugated fibreboard testing not less than 275 pounds.

Containers must be separated from all sides of box not less than ½ inch by shoulder height corner posts made of single wall corrugated fibreboard testing not less than 275 pounds and box must have top and bottom pads made of single wall corrugated fibreboard testing not less than 175 pounds folded to provide not less than three thicknesses.

(g) The rates or classes for glassware, articles in glass or fragile articles in fibreboard boxes will also apply on such freight in inner fibreboard boxes of identical size and shape, complying with item (rule) 222, when they are enclosed in outer single wall corrugated fibreboard boxes, the fibreboard meeting the construction requirements for any bursting tests specified in item (rule) 222, Sections 2 and 3, except that when gross weight exceeds 60 pounds, the fibreboard master container must test not less than 175 pounds. Gross weight must not exceed 160 pounds. Both inner and outer boxes must be securely closed.

Shipper must certify on bills of lading that the inner boxes comply with all requirements of item (rule) 222.

Note 1—Except as provided in individual items, glass inner containers filled with products other than Liquors, alcoholic, NOI, or Wine, NOI, the gross weight allowed for boxes testing not less than 175 pounds may exceed 40 pounds, but may not exceed 49 pounds, provided individual containers are separated by partitions or other interior separation of corrugated fibreboard or solid paperboard, and further provided number of filled containers per box must conform to one of the following:

Not more than 48 containers each not exceeding 12 avoirdupois ounces net weight of product
Not more than 24 containers each not exceeding 25 avoirdupois ounces net weight of product
Not more than 12 containers each not exceeding 45 avoirdupois ounces net weight of product
Not more than 6 containers each not exceeding 90 avoirdupois ounces net weight of product
Not more than 4 containers each not exceeding 192 avoirdupois ounces net weight of product

Section 6:

The following are the descriptions of general styles of fibreboard boxes:

(a) Conventional Slotted Style Boxes:

Box is usually made from one piece of fibreboard which is scored and slotted to form a body having flaps for closing each of two opposite faces. Lengthwise flaps either meet or overlap depending on the particular style of the box. Occasionally, slotted style boxes are assembled from more than one piece of fibreboard and have only one closing face.

(b) Telescope Boxes:

1. Full telescope box consists of a body and cover of equal depth sections, cover extending to bottom. (FT)
2. Partial telescope box consists of body and cover of unequal depth sections. The section of lesser depth must extend over the sides of bottom section not less than two-thirds of the depth of the bottom section. (PT)

(c) Boxes With Covers:

1. Single cover boxes consists of a body and a top cover, the cover extending over sides of body less than two-thirds of the depth of body. (SC)
2. Double cover boxes consist of a joined tube (body) and top and bottom covers, covers extending over sides of body. (DC)
3. When the walls of the top or bottom covers have flanges which interlock with flanges of the tube the box is an interlocking cover box. The flanges of the body must be not less than 3 inches. (IC)

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES Continued

ITEM (RULE) 222-A Continued

Section 6 Concluded

(d) Slide Style Boxes:

Box consists of snugly fitting telescope tubes. The outer tube must be joined.

1. When two tubes are so arranged as to provide at least one thickness of fibreboard on all six surfaces, the box is a Double Slide or Single Lined Slide Style. (DS)
2. When three tubes are so arranged as to provide at least two thicknesses of fibreboard on all six surfaces, the box is a Triple Slide or Double Lined Slide Style. The innermost slide need not be water resistant nor comply with test requirements. (TS)

(e) Folders:

Box consists of one or more cut and scored pieces which provide an unbroken outer bottom surface.

The lengthwise outer flaps must meet or overlap.

1. When constructed from a single piece of fibreboard the box is a One-Piece Folder. (1PF)
2. When constructed from two rectangular pieces of fibreboard which provide a double thickness at bottom, the box is a Two-Piece Folder. (2PF)
3. When constructed from three rectangular pieces of fibreboard, the box is a Three-Piece Folder. (3PF)

(f) Five Panel Folder:

Box is formed from a single cut and scored piece so as to provide an unbroken single thickness of fibreboard on three of the six surfaces and usually a double thickness on the remaining three surfaces of the box. (FPF)

(g) Recessed End Boxes:

Box must be made from solid fibreboard or B-Flute single wall corrugated board. Recessed ends must be fastened with metal rivets, staples or stitches, not more than 2 inches apart. When opening is at top, the top, bottom and sides must be one piece of fibreboard overlapping not less than 1½ inches.

(h) Box with Other Than Four Sides:

Box must have sides consisting of one piece of fibreboard overlapping not less than 1½ inches fastened with metal staples or stitches not more than 3 inches apart. Ends of panels of sides must have flanges not less than 1½ inches turned outward or separate pieces of fibreboard covering ends must have as many flanges as panels in sides, which flanges are not less than 1½ inches extending over outside of each panel. In either case, ends of box must consist of one piece of fibreboard with flanges not less than three inches extending over each panel of sides and turned in against sides of box abutting or interlocking with other flanges.

(i) Not currently used.

(j) Not currently used.

(k) Double Thickness Score Line Box:

Box consists of inner tube or slotted container tightly enclosed by regular slotted box, telescope box or box consisting of top and bottom sections which must meet; construction must be such as to provide not less than two thicknesses at all score lines. When inner container is constructed with inner and outer flaps which meet or overlap, outer box may be of one thickness over such flaps; when flaps do not meet or when inner element is a tube, the outer box must be so constructed as to provide not less than three thicknesses over such areas. When outer box is constructed with flanged caps; flanges of such caps must be not less than 3 inches and must be securely stapled or stitched to all side walls. Manufacturer's joint of inner element and the manufacturer's joints of the outer box must be fastened with metal rivets, staples or stitches not more than one inch apart; OR must lap not less than 1¼ inches, and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried. All fibreboard must comply with Table B in Section 3.

Section 7:

Unless otherwise provided, all box closures must be securely fastened, see Note 1.

Note 1—Truckload shipments of fibreboard shipping boxes with empty inner containers need not have the tops glued or otherwise fastened.

Section 8—Not currently used.

Section 9:

Articles liable to sifting or leakage, not in inner containers, must be so prepared within the box as to prevent sifting or leakage.

Section 10:

Liquids (not articles in liquid) in metal cans each exceeding 2½ gallons capacity may be shipped only in fibre boxes meeting the following requirements:

(a) Boxes must have inner and outer flaps meeting or outer flaps meeting and the gaps between inner top and bottom flaps filled with fibreboard pads.

(b) (1) For rectangular cans—box must meet all requirements for boxes testing not less than 200 pounds.
(2) For cylindrical cans—box must meet all requirements for boxes testing not less than 275 pounds.

(c) When two or more inside metal cans are packed in one box, the cans must be separated by partitions of—
(1) double wall corrugated fibreboard, or,
(2) two thicknesses of single wall corrugated fibreboard.

(d) Where metal cans have extended spouts, suitable protection to prevent damage to spouts must be provided.

(e) Total capacity of cans in one box must not exceed 9 gallons.

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES—Continued

ITEM (RULE) 222-A—Continued

Section 11:

For Solid Fibre Boxes:

(a) Solid fibre boxes provided for in Sections 2 and 3 must have manufacturer's joints secured by the following method:

By lapping sides of box forming joint not less than 1¼ inches and fastening with metal staples or stitches not more than 3 inches apart. When length of joint exceeds 18 inches, the staples or stitches must be not more than 2½ inches apart.

For Triple Wall Boxes:

(b) Triple wall corrugated fibre boxes must have manufacturer's joints secured by lapping the sides of box forming joint not less than 2 inches. Staples or stitches must be spaced not more than one inch apart. Both sides of joint must be crush-rolled in area of contact before stapling or stitching.

For Other Corrugated Boxes:

(c) Corrugated fibre boxes, provided for in Sections 2 and 3, other than triple wall, must have manufacturer's joints secured by one of the following methods:

(1) By lapping sides of box forming the joint not less than 1¼ inches and fastening with metal staples or stitches not more than 2½ inches apart.

(2) By removal of corrugated medium and center liner, if one is used, and splicing inner and outer facings over the end of the abutting corrugated fibreboard. The overlap must extend not less than 1 inch and both facings must be securely glued.

(3) By lapping the sides of box forming the joint not less than 1¼ inches and by firmly gluing this joint throughout such 1¼ inch area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

(4) By fitting abutting edges forming joint close together and securing with sealing strips firmly glued to the box and extending the entire length of the joint. Such sealing strips must comply with the following requirements:

(a) For boxes not exceeding 65 pounds gross weight or for two complete single wall corrugated boxes, sealing strips must be not less than 2 inches wide, and must comply with one of the following requirements:

Of one thickness of sulphate paper, basis weight not less than 60 pounds and having a bursting strength of not less than 60 pounds.

Of two thicknesses of sulphate paper total basis weight not less than 80 pounds combined with a waterproofing compound and reinforced with not less than double strand nylon fibre not less than 210 denier forming pattern with strands not more than ½ inch apart.

Cloth having crosswise (filler) threads having a minimum tearing strength of 40 Elmendorf units.

Inside and outside strips of sulphate paper not less than 2 inches wide; outside strip having a basis weight of not less than 60 pounds having a bursting strength of not less than 60 pounds; inside strip having a basis weight not less than 40 pounds, and a bursting strength of not less than 40 pounds.

(b) For boxes exceeding 65 pounds gross weight, excepting two complete single wall corrugated fibre boxes, sealing strips must be not less than three inches wide, unless otherwise provided, and must comply with one of the following requirements:

Of one thickness of sulphate paper, the fibres of which are integrally bonded and reinforced with rubber, basis weight not less than 175 pounds, embossed and varnished.

Of two thicknesses of sulphate paper, total basis weight not less than 80 pounds, reinforced in the cross direction with alternating bands of 840 denier and 420 denier nylon, not less than 4 bands every 2 inches.

Of one thickness of sulphate paper having basis weight not less than 70 pounds reinforced in the cross direction with alternating bands of 840 denier and 420 denier nylon, not less than 4 bands every 2 inches, nylon bands firmly adhered to the surface of the paper by means of a waterproof compound.

Of two thicknesses of sulphate paper, total basis weight not less than 80 pounds combined with a waterproofing compound and with reinforcing as follows:

Asphalt reinforced with sisal fibres.

With glass, rayon or glass and rayon fibres combined, running crosswise of tape spaced not more than ⅜ inch apart, the rayon fibres to be not less than 1100 denier.

With glass fibres in a diamond pattern the sides of which, parallel to each other, are formed by clusters of yarn not less than two per inch as measured in the machine direction. Each cluster shall be formed of at least two 150-1/0 threads or the equivalent in weight of 75-1/0 yarn.

Of two thicknesses of sulphate paper, one thirty pounds basis weight and the other sixty pounds basis weight reinforced with cotton or linen fibres.

Of two or more thicknesses of sulphate paper, total basis weight not less than 150 pounds and having a bursting strength of not less than 150 pounds, all plies firmly glued together not less than ¼ inch width along both edges.

Cloth having crosswise (filler) threads having a minimum tearing strength of 70 Elmendorf units.

Inside and outside strips of sulphate paper not less than two inches wide, each having basis weight not less than 90 pounds, and each having a bursting strength of not less than 90 pounds.

Section 12: Not currently used.

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES —Continued

ITEM (RULE) 222-A Continued

Section 13:

Except as otherwise provided in separate descriptions of articles, the following specifications and requirements must be observed for liquids, semi-liquids or articles in liquid, in plastic bags, in fibreboard boxes:

Containers of 3 gallon capacity or larger will be considered as "in bulk" in barrels or boxes. When containers have capacity of less than 3 gallons, the bag will be considered an inner container.

Bags must be of single or double-ply plastic film having a minimum total wall thickness of not less than 3 mils (.003 inch). Closure of the bag must be effected by adequate heat sealing or crimping together the top and twisting, then folding over on itself, and finally tying with pressure-sensitive tape or a wire tie. When a wire tie is used, the ends of the wire must be looped.

The filled bags must be in corrugated or solid fibreboard boxes as follows:

(1) The void between the top of the filled closed bag and the inside top of the box must not exceed 1½ inches. The bag must not be adhered to the container at any point.

(2) For gross weights not exceeding 20 pounds, box must have a bursting test of not less than 200 pounds. Box must have either a taped or a glued manufacturer's joint. Box must have top and bottom pads made of corrugated fibreboard which have a bursting test of not less than 125 pounds per square inch.

(3) For gross weights exceeding 20 pounds, but not exceeding 40 pounds, box must have a bursting test of not less than 200 pounds per square inch. The box must be equipped with a joined tube or liner made from corrugated or solid fibreboard which has a bursting test of not less than 200 pounds per square inch. The joint of this tube or liner must be either taped or glued. The box must have top and bottom pads made of corrugated fibreboard which have a bursting test of not less than 125 pounds per square inch.

(4) For gross weights exceeding 40 pounds, but not exceeding 65 pounds, box must have a bursting test of not less than 275 pounds per square inch. The box must be equipped with a joined corrugated or solid fibre tube or liner which has a bursting test of not less than 200 pounds per square inch The manufacturer's joint of this tube or liner must be taped or glued. The box must also contain top and bottom pads made of corrugated fibreboard which have a bursting test of not less than 125 pounds per square inch.

Section 14:

The following are terms found in various parts of item (rule) 222:

Bending—In the term "proper bending qualities"—the containerboard must be capable of bending along creases or score lines in forming the box so that the containerboard is not ruptured to a point where it seriously weakens the box.

Box—(see also Fibre Box)—A rigid container having closed faces and completely enclosing the contents. When this term is used in the Classification it signifies that if fibre boxes are used, such fibre boxes must comply with all requirements of this item (rule).

Box Maker—By box maker is meant a corrugated or solid fibre box manufacturing establishment which at least has equipment to score, slot, print and join corrugated or solid fibre sheets into boxes which equipment is regularly utilized in the production of fibre boxes in commercial quantities.

Bursting Strength—The strength of material in pounds per square inch, measured by the Cady or Mullen tester (see Section 3, Notes 1 and 3).

Corrugating Medium—Paperboard used in forming the fluted portion of the corrugated board.

Corrugation—(See Flute).

Corrugated Board—A structure formed from two or more paperboard facings and one or more corrugated members used in making corrugated fibreboard boxes.

Single Wall —also known as Double Face—The structure formed by one corrugated inner member glued between two flat facings.

Double Wall—The structure formed by three flat facings and two intermediate corrugated members.

Triple Wall —The structure formed by four flat facings and three intermediate corrugated members.

Dimensions:

Length—The larger of the two dimensions of the open face.

Width —The lesser of the two dimensions of the open face.

Depth —The distance between the innermost surfaces of the box measured perpendicular to the length and width.

Facings—(Sometimes erroneously called liners)—A form of linerboard used as the flat members of corrugated fibreboard.

Fibre or Fibreboard Box—A container made of either corrugated or solid fibreboard. For classification purposes, when term "box" is used, the structure must comply with all requirements of item (rule) 222.

Flute or Corrugation—One of the wave shapes formed in the corrugating medium.

Glued (firmly)—Firm gluing is indicated when mutilation of the surface fibres accompanies separation of joined areas.

Joint (Manufacturer's Joint)—The "joint" is that part of the box where the ends of the sheet are joined together by taping, stitching or gluing:

Liner—A creased fibreboard sheet inserted in a container and covering all side walls.

Package—(When referring to a fibre container)—A container not necessarily complying with the requirements of item (rule) 222 for a "box," (See Section 5, item (rule) 680). Also, one of the special authorized containers described in detail in the classification in the section titled "Specifications for Numbered Packages."

Pad—A corrugated or solid fibreboard sheet or other authorized material used for extra protection or for separating tiers or layers of articles when packed for shipment.

Partitions—A set of corrugated or solid fibreboard pieces slotted so they interlock when assembled to form a number of cells into which articles may be placed for shipment.

Ply—Any of the several layers of solid fibreboard.

Puncture Test—The strength of material expressed in inch ounces per inch of tear as measured by the Beach puncture tester (See Section 3, Notes 2 and 3).

Seam—The junction created by any free edge of a container flap or wall where it abuts or rests on another portion of the container and to which it may be fastened by tape, stitches or adhesive in the process of closing the container.

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES—Concluded

ITEM (RULE) 222-A—Concluded

Section 14—Concluded

Shell—A sheet of corrugated or solid fibreboard scored and folded to form a joined or unjoined tube open at both ends.

Solid Fibreboard—A solid board made by laminating two or more plies of containerboard.

Water Resistant—A board, to be water resistant, shall be sized (treated with water repellent materials) so as to have a degree of resistance to damage or deterioration by water in liquid form.

Weight of Facings—(Minimum combined, of corrugated board.)—This is the summation of weight per thousand square feet of all facings in the board structure excluding the weight of coatings and impregnants and excluding the weight of the corrugating medium and the corrugating adhesive.

♦ITEM (RULE) 535-B

EXPIRATION DATES

Items or other provisions, making reference hereto, expire with the date indicated below, unless sooner cancelled, changed or extended.

Item or Package	Provisions which expire	Date expiring
▲Item (rule) 222-A	(Provisions of Note 1 of item (rule) 222 expired with December 31, 1968 as scheduled.)	
Item (rule) 257	All provisions of rule	September 20, 1969.
Item (rule) 260-A	(Expiration date provided in connection with Note 2 is hereby cancelled. Provisions of Note 2 continue to apply.)	
Package 500	All provisions of package	July 31, 1969.

Item	ARTICLES	CLASSES LTL	CLASSES TL	Ⓜ
11650-A	**Air Hose or Air Duct,** flexible. ▲Cancel. See item 100150.			
11652-A	**Note.** ▲Cancel. See item 100152.			
*14490	**Apparatus,** carbon dioxide or oxygen control, food storage area, in boxes or crates	92½	55	20.2
	ATHLETIC GOODS GROUP, subject to item 15500:			
	Fish Bait, subject to item 16230:			
16250-A	Dough or meal type, flavored or not flavored; coagulated or congealed blood type; ♦preserved pork rind type; or salmon egg; in boxes	70	50	24.2
17000-B	**Playground Apparatus, NOI,** such as playground climbing ropes or poles, horizontal or parallel bars, ladders, ♦other than swimming pool ladders, frames, standards, seesaws, giant strides, swings, teeters, trapezes or rings, KD	77½	50	30.2
	AUTOMOBILE PARTS GROUP, subject to item 17800:			
*19693	**Supports or Mountings,** engine or transmission, iron or steel, in packages	55	37½	36.2
19920-A	**Transmission Mountings.** Cancel. ▲See item 19693.			
▲20360-A	**Baby Safety Harness and Leading Straps or Dog Harness, Collars, or Leashes.** Cancel. See item 50080.			
	BASKETS OR HAMPERS, subject to item 22150:			
	Baskets or Hampers, NOI, subject to item 22260:			
♦♦22270-A	Bamboo, grass, rattan, reed, straw, twisted paper fibre, willow, wood or other vegetable or wood fibre, in packages; also TL, loose	250	See item 22680	
▲22280-A	Overhandled. Cancel. See item 22270.			
▲22290-A	Other than overhandled. Cancel. See item 22270.			
22292-A	**Note**—Cancel. ♦No further application.			
	BOAT GROUP, subject to item 24500:			
▲24620-A	**Boat Construction Kits,** see Note, item 24623, in boxes or crates:			
Sub 1	With molded plywood or reinforced plastic hulls, cabins, decks, or sections thereof:			
Sub 2	Nested, or sections placed within each other	100	55	18.2
Sub 3	Not nested nor with sections placed within each other	200	110	10.1
Sub 4	NOI	85	55	18.2
△24623-A	**Note**—Applies only on a collection of material or stock requiring bending, cutting, shaping, fitting or other work of fabrication for the construction of a boat.			
	BOILERS GROUP, subject to item 25400:			
♦26040-A	**Elements,** immersion heating (heating grid and connection such as used for heating water, water heaters or similar appliances), in boxes	77½	45	30.2
	BOOT GROUP, subject to item 28120:			
*28410	**Insoles,** plastic, other than cellular expanded or foam, in boxes	100	70	18.2
	BUILDING WOODWORK GROUP, subject to item 37500:			
38030-B	**Moldings,** banak, ♦native wood (pine), ♦obeche or virola, further finished than primed, in boxes	70	40	30.2

For explanation of abbreviations and reference marks, see last page of this Appendix.

Item	ARTICLES	CLASSES LTL	CLASSES TL	(MW)
	CABINETS, OR PARTS NAMED, subject to item 39200:			
39220-A	**Bath:**			
Sub 1	SU, in boxes or crates	♦300	♦300	♦AQ
Sub 2	KD, in boxes or crates	100	70	16.2
	CARRIERS, SHIPPING, GROUP, subject to item 40770:			
♦♦41025-A	**Containers,** bulk commodity shipping, old, used, not nested:			
Sub 1	Aluminum or magnesium, single thickness of walls ¼ inch or thicker	125	85	12.2
Sub 2	Sheet steel, thickness of walls 7 gauge or thicker	85	60	18.2
△41820-A	**Cellulose Film** (transparent sheets of not nitrated cellulose film such as commonly used for wrapping purposes) **or Cellulose Film combined with paper or paperboard or combined or coated with plastic:**			
△41830-A	**Sheets:**			
△41840-A	Not printed, in rolls, or in sheets not further processed than cut to size, LTL, in boxes or crates or in wrapped bundles or rolls; TL, in packages	55	35	36.2
41850-A	Printed, LTL, in boxes or crates, or in wrapped bundles or rolls; TL, in packages	♦60	♦37½	30.2
	CHEMICALS GROUP, subject to item 42600:			
44380-A	**Dyes or Colors,** coal tar, other than indigo, see Note, item 42602, dry, liquid or paste, in barrels or boxes, or dry, in Packages 1059, 1065, 2005 or ♦2075	100	55	30.2
*44565	**Fuel,** ration heating, chemical composition, containing not less than 90 percent trioxane, see Note, item 42602, in boxes	70	45	36.2
45750-A	**Citrate,** see Note, item 42602, in barrels, boxes, steel pails, or ♦Package 2076	77½	45	30.2
	CLOTH, DRY GOODS OR FABRICS, subject to item 48920:			
49231-A	**Cloth or Fabric.** Cancel. ▲See item 49233.			
49232-A	**Note** When thickness of foam rubber exceeds ⅜ inch, class per item 157320.			
*49233-A	**Cloth or Fabric,** other than rugs or carpeting, combined with cellular, expanded or foam plastic not exceeding ⅜ inch thick, NOI, in wrapped bales or rolls, or in boxes, see Note, item 49234	125	125	AQ
*49234	**Note**—When thickness of cellular, expanded or foam plastic exceeds ⅜ inch, class per item 157320.			
△49540-B	**Plush; or Pile Fabric** NOI, see Note, item 49542; in bales or boxes:			
Sub 1	On frames, racks, reels or creels in boxes, or on cores or tubes suspended in boxes	200	200	AQ
Sub 2	Other than on frames, racks, reels or creels, and other than on cores or tubes suspended in boxes, in bales or boxes	100	70	20.2
49542-B	**Note**—Does not apply on corduroy, ♦napped jersey cloth, terry cloth, Turkish toweling, suede cloth, moleskin, flannel, mohair, tapestry, carpet, brocade, damask, frieze or rep.			
*50080	**Collars, Harness, Leads, Leaches or Straps,** baby safety, or dog or cat, in boxes	100	70	20.2
	ELECTRICAL EQUIPMENT GROUP, subject to item 60500:			
♦61080-A	**Bus Bar System,** consisting of housings containing bus bars, with or without insulators, tapping connectors or trolleys, in boxes or crates or wrapped in double-faced corrugated fibreboard, or shipments weighing each more than 2,000 pounds, loose, see Note, item 61082	77½	45	30.2
△61082-A	**Note** Shipments weighing each 2,000 pounds or over may be shipped loose when braced and blocked in vehicle and pieces are protected from each other by fibreboard; consignor to furnish protecting materials and to load, and consignee to unload.			
*61090	**Bus Bars,** aluminum, copper or iron or steel, LTL, in boxes; TL, loose or in packages	70	45	30.2
▲61100-A	**Bus Bars,** aluminum. Cancel. See item 61090.			
▲61110-A	**Bus Bars,** copper. Cancel. See item 61090.			
	FARM EQUIPMENT GROUP, subject to item 64600:			
65340-A	**Feeders, salt (Salt Holders),** ♦other than plastic, in barrels, boxes or crates	70	40	24.2
♦66375-A	**Fasteners,** bag, plastic:			
Sub 1	**Combined with paper price tags or paper labels, printed or not printed, in boxes**	85	55	24.2
Sub 2	Without paper price tags or paper labels, printed or not printed, in boxes	70	40	30.2
△67990-A	**Felt** NOI; **or Felt** in shapes, NOI, see Note, item 67992; in bales or boxes	100	70	20.2
♦♦67992-A	**Note**—This item takes precedence over other items in the classification on articles of felt unless such other items specify felt construction or consist.			
	FOODSTUFFS GROUP, subject to item 72000:			
73570-A	**Juice,** citrus fruit, with or ♦without sugar, citric acid, vegetable gum and oils, certified food color and water added, other than frozen, in glass or metal containers in boxes or crates, or in bulk in barrels	60	35	36.2
♦74910-B	**Sugar,** beet or cane, other than raw; in single bags complying with Package 45; in double bags; in cloth containers in multiple-wall paper bags; in 3 or more ply multiple-wall paper bags; in paper bags; in boxes, or Packages 37, 969, 1350 or 2071	55	35	40.2
	FURNITURE GROUP, subject to item 79000:			
*79132	**Blackboards (Chalkboards) or Pegboards combined with stands and seats,** plastic, steel and masonite combined, see Note, item 79134, KD flat, in package 19F	100	See item 82700	
*79134	**Note**—The weight of plastic cannot exceed 20 percent of the total weight of the shipment.			
	Metallic or Wooden, subject to item 79600:			
*81810	**Table and bench combined,** wooden, picnic, juvenile, KD, painted or stained, or not painted nor stained, in boxes	70	See item 82700	
♦83650-A	**Furniture Stock,** molded plywood:			
Sub 1	Not nested, in packages	200	125	10.1
Sub 2	Nested, in packages	70	35	30.2

For explanation of abbreviations and reference marks, see last page of this Appendix.

Item	ARTICLES	CLASSES LTL	CLASSES TL	(%)
	GLASSWARE GROUP, subject to item 87500:			
87540-A	**Aquariums**, capacity over ½ gallon, see ♦Note, item 87552, in barrels, boxes, crates or Package 1196:			
Sub 1	Each in individual fibre box, two or more smaller sizes nested within one larger	85	45	30.2
Sub 2	NOI	150	55	24.2
87550-A	**Aquariums**, NOI, capacity ½ gallon or less, see ♦Note, item 87552, in barrels, boxes or crates	100	55	24.2
*87552	**Note**—Applies only on aquariums constructed with metal or plastic frames.			
	HATS OR MILLINERY GROUP, subject to item 98150:			
98210-A	**Bonnets or Hats**, millinery, in boxes	♦250	100	10.2
98250-A	**Hats**, felt, old and worn out. Cancel. ♦Obsolete.			
	Hats or Caps, not millinery, subject to item 98270:			
98350-A	Palm leaf or straw, nested solid or folded flat, ♦in boxes, or in bales wrapped in burlap or fibre	125	85	12.1
98370-A	Palm leaf or straw, nested solid or folded flat, unfinished. ♦Cancel. See items 98350 and 98390.			
98390-B	**Hats or Caps**, NOI, not millinery:			
Sub 1	Folded flat, or nested solid, in boxes or Packages 277 or 846	100	85	12.2
♦♦Sub 2	Not folded flat nor nested solid, in boxes, see Note, item 98392	250	100	10.2
*98392	**Note**—Also applies on caps packed with peak of one inserted into the body of the cap above or with backs folded to the front.			
98400-A	**Hats or Hat Bodies**, woven wood chips or shavings. Cancel. ♦Obsolete.			
♦♦98410-A	**Millinery Goods**, NOI, in boxes	200	100	10.2
*100150	**Hose or Duct**, flexible, air or liquid transfer, plastic or coated cloth, with or without reinforcement of same or other materials, in packages:			
Sub 1	Compressed, see Note, item 100152	100	65	16.2
Sub 2	Other than compressed and other than walls folded or collapsed	200	150	10.2
*100152	**Note**—Will only apply when compressed to not exceeding 50 percent of normal length.			
	HOUSEHOLD UTENSILS GROUP, subject to item 100500:			
*100610	**Can Openers combined with Ice Crushers**, electric or hand operated, in boxes.	85	55	24.2
	INSULATING MATERIAL GROUP, subject to item 103000:			
♦103090-A	**Cellular vitreous:**			
Sub 1	Board or sheet, composed of nodules with binder, in packages	77½	40	30.2
Sub 2	Nodules, in multiple-wall paper bags or in fibre barrels or drums	92½	45	24.2
Sub 3	Nodules and cement combined, in multiple-wall paper bags	70	40	30.2
Sub 4	NOI, LTL, in boxes, TL in packages, see Note, item 103092	100	70	12.2
			50	18.2
△103092-A	**Note**—TL provisions also apply on materials necessary for installation not to exceed 33⅓ percent of weight upon which charges are assessed.			
	LAMPS OR LIGHTING GROUP, subject to item 109000:			
♦♦109260-A	**Lamp or Lighting Fixture Diffusers, Globes, Shades, Refractors or Reflectors**, NOI, in wooden boxes or in Packages 1289 or 37F	300	300	AQ
109500-A	**Lamps**, electric, gas or oil, NOI, see Notes, items 109501 and 109504, in barrels or in Packages 219, 532, ♦794, 817, 970, 1424, 2002, 5F or 30F:			
Sub 1	With globes, shades or reflectors in same or separate packages, see Notes, items 109512 and 109514 having a density of:			
Sub 2	Less than 8 pounds per cubic foot	200	125	10.1
Sub 3	8 pounds per cubic foot or greater	100	70	14.2
Sub 4	Without globes, shades or reflectors	100	70	14.2
Sub 5	With or without globes, shades or reflectors, in mixed TL		100	10.2
△109501-A	**Note**—Applies only on floor standing, desk, table or wall hanging (pin-up) lamps, or lamps of other types, other than lighting fixtures for permanent installation.			
△109504-A	**Note**—One incandescent lamp for each socket may be included in same box with lamp.			
△109512-A	**Note**—The quantity of globes, shades, reflectors or similar devices must not exceed the number required to equip the articles with which shipped.			
△109514-A	**Note**—When lamps and their complement of globes, shades or reflectors are in separate packages, the density for determining the applicable provisions must be the result of the division of the total weight of all packages by the total cubage (cubic capacity) of all such packages.			
	MACHINERY GROUP, subject to item 114000:			
*114030	**Afterburners**, jet aircraft, in boxes or crates	200	200	AQ
	Business or Office, subject to item 115700:			
	Mailing Machines, subject to item 116040:			
*116042	**Note**—Applies on old mailing machines no longer fit for service and returned to be scrapped.			
	Tractor Attachments, subject to item 131700:			
*131706	**Post Drivers**, KD, other than wheeled, iron or steel	77½	45	24.2

For explanation of abbreviations and reference marks, see last page of this Appendix.

Item	ARTICLES	CLASSES LTL	CLASSES TL	(MW)
	MACHINERY GROUP, subject to item 114000:			
	Parts or Materials, subject to item 133450:			
133452-B	**Note** Provisions apply only on mixed shipments of parts or material for the assembly, repair or maintenance of or equipping of the following articles:			
	Agricultural implements, other than hand;			
	Agricultural implement parts, other than hand;			
	Cranes or derricks;			
	Electric welders;			
	Freight vehicle parts;			
	Generators and engines combined;			
	Grading or road making implement parts;			
	Grading or road making implements;			
	Inertia or friction type welders;			
	Internal combustion engine operated tools;			
	Internal combustion engines;			
	♦Lift trucks;			
	Portable wood sawing machines;			
	Power pumps;			
	Snow plows;			
	Tractor or truck excavating, grading or loading attachments;			
	Tractor or truck snow plow attachments;			
	Tractors.			
	Shipments must be described on bills of lading at time of shipment as *"Parts or material, item 133450 of National Motor Freight Classification"*. When shipments are tendered in such manner the separately established provisions for each article will not apply.			
△133454-B	**Note** In LTL shipments, the quantity of parts or material classed higher than the LTL class named in item 133450 must not exceed 20 percent of the weight of the shipment. In TL shipments, the quantity of parts or material classed higher than the TL class named in item 133450 must not exceed 20 percent of the weight upon which charges are assessed.			
141960-A	**Oakum**, ♦jute or hemp, in bales, barrels or boxes	60	♦ 37½	30.2
	PADS, subject to item 148800:			
149060-A	**Waxing**, ♦without cellular, expanded or foam plastic or rubber or sponge rubber components, in barrels or boxes	85	55	24.2
	PADS OR PADDING, subject to item 149100:			
♦♦149260-A	**Pads or Padding**, NOI, hair, mixed or not mixed with vegetable fibre, curled and needled or punched through burlap, cloth or paper, in bags or bales	150	150	AQ
	PAINTS GROUP, subject to item 149500:			
150090-A	**Plasticizers**, paint, lacquer, varnish, gum, resin or plastic;			
	Solvents, paint, lacquer, varnish, gum, resin, plastic, rubber or ♦adhesive;			
	Compounds, paint, lacquer, varnish, gum, resin, plastic, or ♦adhesive increasing, reducing, removing, thickening or thinning;			
Sub 1	In barrels, boxes, five-ply paper bags or Packages 33 or 727, or in solid mass in Package 601; also TL, in tank trucks, see item (rule) 370	55	35	36.2
Sub 2	In plastic carboys	70	40	30.2
Sub 3	In carboys other than plastic	100	45	24.2
	PAPER ARTICLES GROUP, subject to item 152000:			
*154330	**Starter**, fire, fibreboard forms wax impregnated, not nested, in boxes	250	250	AQ
	PLASTIC OR RUBBER ARTICLES, OTHER THAN EXPANDED, GROUP, subject to item 156500:			
156870-A	**Insulating Forms, or Shapes**, ♦see Note, item 156872, in bags, barrels or boxes	77½	40	30.2
*156872	**Note**—Will not apply on rocket motor insulators.			
156940-A	**Mats**, bath tub, shower stall, drainboard, sink or stove protector, in boxes	♦70	♦45	30.2
	Projectile or Rocket Parts NOI, subject to item 162810:			
♦♦162813-A	Plastic or rubber; plastic or rubber and metal combined, see Note, item 162817; plate or sheet steel or metal, other than steel; in boxes or crates or in harnesses or Package 1459:			
Sub 1	LTL, having a density of:			
Sub 2	Less than 4 pounds per cubic foot, see Notes, items 162814 and 162816	250		
Sub 3	4 pounds per cubic foot but less than 6 pounds, see Notes, items 162814 and 162816	150		
Sub 4	6 pounds per cubic foot but less than 12 pounds, see Notes, items 162814 and 162816	100		
Sub 5	12 pounds or greater per cubic foot, see Note, item 162814	85		
Sub 6	TL		100 70 60 45	10.2 16.2 21.2 30.2
△162814-A	**Note**—Shipper must certify on shipping order and bill of lading as follows: *"The density of the projectile or rocket parts is hereby stated to be 'Less than 4 pounds,' '4 pounds but less than 6 pounds,' '6 pounds but less than 12 pounds,' or '12 pounds or greater,' " as the case may be.*			
△162816-A	**Note** The charge for a package or piece or a lesser density may be assessed on the basis of the next lower class provided in connection with the next heavier density at the weight which would accrue from multiplying the cubage of such package or piece by the lowest weight named in such density group. In such instances, the following certification must be shown on shipping orders and bills of lading at time of shipment: *"The cubage of the individual packages or pieces in this shipment which are subject to classes applicable to a specific density group is (insert cubage in feet) and the declared density is (insert declared density) at a resultant weight of (insert weight for billing purposes)."*			
*162817	**Note**—Also applies on **Rocket Motor Insulators.** Rocket motor insulators may be shipped on a plaster of paris mold, with or without mandrel and interior support.			

For explanation of abbreviations and reference marks, see last page of this Appendix.

Item	ARTICLES	CLASSES LTL	CLASSES TL	(MW)
162990-A	**Pyrographic Wooden Novelties.** ♦Cancel. Obsolete.			
	QUARTERMASTERS' STORES GROUP, subject to item 163600:			
*163720	**Rations,** supplemental, see Note, item 163722, in boxes	70	40	36.2
*163722	**Note** Classes apply only on a mixture of confectionery articles, tobacco products, toilet articles, toilet preparations and stationery articles, with or without other unnamed articles. The weight of confectionery articles must be not less than 50 percent of the net weight of mixture and weight of unnamed articles must not exceed 2 percent of the net weight of mixture.			
	RACKS, subject to item 163900:			
♦▲164340-A	**Pallet Racks,** see Note, item 164342, iron or steel, in packages, see Note, item 164002:			
Sub 1	Consisting of unassembled members, or members assembled in panels	65	37½	36.2
Sub 2	Consisting of assembled members other than assembled in panels	92½	55	18.2
△164342-A	**Note** Applies only on floor standing racks, or on frames or standing fixtures for attaching to pallets, to enable stacking of loaded pallets upon each other.			
*164420	**Racks,** spacer, meat shipping, wooden, in bundles, see Note, item 164422	70	40	30.2
*164422	**Note** Each two racks must have bottoms (backs) facing each other and sides of skids or runners in contact with each other.			
*168925	**Reagent, flotation, or Deflocculant,** clay slip, consisting of an ammoniacal solution of wood bark extract and not less than 80 percent of water, in barrels	55	35	40.2
*168930	**RECORDINGS, SOUND, OR SOUND RECORDING BLANKS, see Note, item 168932:**			
*168932	**Note** Sound recordings are the results of the fixation of a series of musical, spoken or other sounds on discs, tapes or records. Blanks are articles or materials on which sound recordings may be affixed.			
*168934	**Disc type,** plastic, non-breakable, in boxes or Package 63	77½	45	30.2
*168936	**Tape or wire,** in boxes	100	70	30.2
*168938	NOI, in boxes or in albums in boxes	85	55	24.2
*168940	**Scrap,** see Note, item 168942, in bags, barrels or boxes	50	35	36.2
*168942	**Note** Applies on scraps, shavings or pieces; or on whole scrap recordings or whole scrap recording blanks having value only for reclamation of raw materials and only when in containers marked "Scrap recordings" or "Scrap recording blanks" and when the following certification is shown on the shipping order and bill of lading at time of shipment by the shipper: *"The scrap recordings or recording blanks are hereby stated by the shipper to have value only for reclamation of raw materials and the actual value does not exceed 10 cents per pound."*			
▲168950-A	**Reagent, flotation, or Deflocculant.** Cancel. See item 168925.			
*179566	**Stoppers,** laboratory, rubber, see Note, item 179567, in bags, barrels or boxes	70	45	30.2
*179567	**Note** Stoppers may have holes for inserting laboratory appliances.			
▲180280-A	**Talking Machine or Phonograph Records,** plastic. Cancel. See item 168934.			
▲180300-A	**Talking Machine or Phonograph Records, NOI, or Record Blanks.** Cancel. See item 168938.			
180302-A	**Note** Cancel. ♦Obsolete.			
▲181870-A	**Tape or Wire,** magnetic, other than sound recording, in boxes	100	70	30.2
▲181872-A	**Note** Cancel. See item 181870.			
	TOOLS, OR PARTS NAMED, subject to item 183550:			
*183624	**Applicators,** paint, hand, NOI, plastic, other than bristle type, in boxes	150	150	AQ
	VEHICLES, OTHER THAN SELF-PROPELLED, subject to item 188500:			
188860-A	**Carts,** golf-club bag, in boxes:			
Sub 1	NOI	♦125	♦77½	15.2
Sub 2	Steel, with rubber tired wheels, see Note, item 188862, taken apart, viz.: frames folded or collapsed, wheels off, and bag holding brackets and supports removed and in inner containers	85	45	24.2
△188862-A	**Note** Fittings or parts may be of metal other than steel or of steel and other material combined.			
	WASTE MATERIALS GROUP, subject to item 194200:			
▲195900-A	**Talking Machine Records.** Cancel. See item 168940.			

For explanation of abbreviations and reference marks, see last page of this Appendix.

SPECIFICATIONS FOR NUMBERED PACKAGES

(For application, see item (rule) 680, Sec. 1 (c).)

Miscellaneous

(Cancels "Package 413", page 46 of Supplement 7.)

‡Package 413

Sec. A—Rolled goods exceeding 48 inches in roll length and not exceeding 200 pounds, or not exceeding 48 inches in roll length and not exceeding 300 pounds must be wrapped or in bags as provided in 1 and 2 hereunder:

1. Wrapped, either convolutely or spirally as follows (Minimum requirements, see Note).
   (a) Two thicknesses of non-extensible Kraft paper each weighing 60 pounds basis weight or two thicknesses of extensible Kraft paper each weighing 50 pounds basis weight, OR
   (b) One thickness of paperboard and non-extensible Kraft paper combined; total basis weight 250 pounds, OR
   (c) One thickness of non-extensible Kraft paper weighing 40 pounds basis weight or one thickness of extensible Kraft paper weighing 35 pounds basis weight; protected by a sleeve made of burlap having a weight of 6 ounces per sheet 40 x 36 inches, OR
   (d) One thickness of non-extensible Kraft paper weighing 125 pounds basis weight.
   (e) Rolls of carpeting may be wrapped with two layers of plastic film. Each layer to consist of two (2) plies of polyethylene film of not less than two (2) mils each between which is a synthetic fibre mesh so arranged that the area between fibres does not exceed ¾ inch. Wrapper seams must be heat-sealed.
   (f) End closures for Sec. A, 1., (a) through (e):
      (1) By adhesive, OR
      (2) By gummed paper tape consisting of two sheets of Kraft paper 2 inches wide, each sheet weighing 30 pounds basis weight, with bi-directional fibre reinforcement, or consisting of one sheet of Kraft paper 3 inches wide, weighing 60 pounds basis weight. Tape must adequately seal ends of package, OR
      (3) By drawing snugly and securing the burlap sleeving.
   (g) Seam closures for Sec. A, 1., (a) through (e):
      Convolute seams (overlap not less than 3 inches):
         (1) By adhesive, full length of seam, OR
         (2) By gummed paper tape consisting of Kraft paper 2 inches wide weighing 60 pounds basis weight. Tape must extend full length of seam.
      Spiral seams:
         By adhesive, or by gummed tape consisting of Kraft paper 2 inches wide, 60 pounds basis weight, so applied as to adequately seal and secure wrapping.
   (h) Supporting cores or poles for Sec. A, 1., (a) through (e):
      (1) Are required when rolls exceed 9 feet in length, except when goods are machine rolled and machine wrapped in accordance with 1 (b) preceding.
      (2) Bamboo poles, when cores or poles are required, must have a minimum diameter of 1¼ inches.
      (3) Paper cores, when cores or poles are required, must meet the following minimum beam strengths for paper cores determined in accordance with testing procedure T-114 as developed by the National Fibre Can and Tube Association and must be labeled as meeting such requirements:
         (a) For rolls not exceeding 12 feet in length, 150 pounds per 36 inch test section.
         (b) For rolls exceeding 12 feet in length, 500 pounds per 36 inch test section.
2. In bags consisting of not less than two thicknesses of non-extensible Kraft paper weighing not less than 70 pounds basis weight, or not less than two thicknesses of extensible Kraft paper weighing not less than 60 pounds basis weight. Closure of bags must be by adequate stapling, sewing or taping.

Sec. B—Rolled goods exceeding 48 inches in roll length and exceeding 200 pounds, or not exceeding 48 inches in roll length and weighing over 300 pounds must be:

Wrapped either convolutely or spirally as follows (minimum requirements):

   (a) One thickness of burlap weighing 6 ounces per sheet 40 x 36 inches firmly laminated to a single thickness of creped Kraft paper having a basis weight of 40 pounds after creping, OR
   (b) One thickness of paper consisting of two sheets of 30 pounds basis weight non-extensible Kraft paper, firmly laminated, and reinforced in cross-directions by strands of fibre not more than ½ inch apart, OR
   (c) Two thicknesses of extensible Kraft paper weighing 110 pounds basis weight, OR
   (d) One thickness of non-extensible Kraft paper weighing 60 pounds basis weight or one thickness of extensible Kraft paper weighing 50 pounds basis weight; protected by a sleeve made of burlap having a weight of 6 ounces per sheet 40 x 36 inches, OR
   (e) Rolls of carpeting may be wrapped with two layers of plastic film. Each layer to consist of two (2) plies of polyethylene film of not less than two (2) mils each between which is a synthetic fibre mesh so arranged that the area between fibres does not exceed ¾ inch. Wrapper seams must be heat-sealed.
   (f) Supporting cores are required and must have a minimum inside diameter of 3 inches and must meet the following minimum beam strengths for paper cores determined in accordance with testing procedure T-114 as developed by the National Fibre Can and Tube Association and must be visibly labeled as meeting such requirements:
      (1) For rolls not exceeding 9 feet in length, 150 pounds per 36 inch test section.
      (2) For rolls exceeding 9 feet but not exceeding 12 feet in length, 500 pounds per 36 inch test section.
      (3) For rolls exceeding 12 feet in length, 650 pounds per 36 inch test section.
      (4) Cores must extend more than two but not more than five inches beyond the ends of rolls.
   (g) End closures for Sec. B. (a) through (d):
      Wrapper must be firmly secured at ends of roll. The core shall be firmly secured either to the wrapper or against the end of the roll. One end of core must be open so as to permit entry of a rug pole or boom.
   (h) Seam closures for Sec. B, (a) through (d): (Convolute seams must overlap not less than 3 inches):
      (1) By adhesive, full length of seam, OR
      (2) By gummed paper tape consisting of Kraft paper 3 inches wide, weighing 60 pounds basis weight. Tape must extend full length of seam.

Sec. C—Goods not rolled nor in boxes must be wrapped in not less than 3 thicknesses of non-extensible Kraft paper, each thickness of not less than 60 pounds basis weight, or in not less than 3 thicknesses of extensible Kraft paper, each thickness of not less than 50 pounds basis weight. Package must be tied with strong rope or twine and knotted at each crossing.

Note—The basis weight of paper means the weight per ream of 500 sheets, 24 x 36 inches.

For explanation of abbreviations and reference marks, see last page of this Appendix.

SPECIFICATIONS FOR NUMBERED PACKAGES—Concluded

Miscellaneous—Concluded

(Add "Package 794" to page 624 of classification.)

♦Package 794

In fibreboard boxes with full overlapping top and bottom flaps, made of double-wall corrugated fibreboard complying with Sections 2 and 3 of item (rule) 222. For gross weights not exceeding 180 pounds and dimensions not exceeding 92 united inches, box must test not less than 350 pounds. For gross weights exceeding 180 pounds but not exceeding 300 pounds and dimension not exceeding 114 united inches, box must test not less than 600 pounds. Base of each article must be individually covered with a polyethylene bag and wrapped in a wood excelsior packing pad, as described in item 79024. Bottom, top, and all sides of box must be lined with cushioning material so as to maintain a clearance of not less than 1 inch between articles and interior surfaces of box. When container is packed with floor standing lamps, each layer must be separated by single-wall corrugated fibreboard pad testing not less than 275 pounds. Box must be securely closed with not less than two metal straps.

(Cancels "Package 2066", page 48 of Supplement 7.)

♦Package 2066

Glass drainline, beaded or process pipe of straight lengths may be shipped in the following manner:

(1) Pipe having inside diameter of 4 or 6 inches must be packaged in single units in 8 panel folder of 350 pound test double-wall corrugated fibreboard with end caps of the same material. Length of folder must be such that not more than 3 inches of pipe is exposed. Folder and end caps must be scored or folded to provide a double thickness of material for sides and ends of pipe. Length of package must not exceed 130 inches and gross weight must not exceed 80 pounds.

(2) Pipe having inside diameter of 1, 1½, or 2 inches must be packaged in units of two in seven panel folder of 350 pound test double-wall corrugated fibreboard with end caps of the same material. Length of each folder must be such that not more than 2 inches of pipe is exposed. Not more than two such folders (4 pipe sections) may be packaged together. Length of package must not exceed 130 inches and gross weight must not exceed 100 pounds.

End caps must cover all sides of folder and be not less than 8 inches in length except when pipe length is 24 inches or less extensions may be 5 inches. Each end cap must be securely fastened by at least two bands.

All folders must be banded every 18 inches or less along the package length.

(Add "Package 2075" to page 689 of classification.)

♦Package 2075

Coal tar dyes or colors may be shipped in truckload quantities when packaged in 3 ply Kraft paper bags each having a total basis weight of not less than 180 pounds and loaded on solid fibreboard expendable sheets not less than ⅛ inch thick. Bags must be unitized to sheet and each other with high shear, low tensile strength adhesive. Maximum weight of contents of each bag not to exceed 50 pounds and maximum weight of loaded pallet not to exceed 2,010 pounds. Shipper must load and consignee unload.

(Add "Package 2076" to page 689 of classification.)

♦Package 2076

In 5-ply multiple-wall paper bags meeting the requirements of item (rule) 200 except that the total basis weight shall not be less than 310 pounds with one ply of 90 pound asphalt laminated Kraft and the outer ply of 70 pound crepe Kraft paper. Net weight of contents not to exceed 100 pounds.

EXPLANATION OF REFERENCE MARKS

(For explanation of abbreviations, see page 713 of classification)

Reference Mark	EXPLANATION	Reference Mark	EXPLANATION
♦	Indicates reduction.	♠	Effective January 1, 1969.
♦	Indicates increase.	(MW)	Minimum weight factor, see item (rule) 997.
♦	Indicates change in wording which results in neither increases nor reductions.	(E)	Subject to expiration date shown in item (rule) 535.
⚠	Matter in this item is brought forward without change in application from item being cancelled.		
*	Indicates new item.		
°	Degree.		

-finis-

For explanation of abbreviations and reference marks, see last page of this Appendix.

(Decision No. 72253)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MISSOURI PACIFIC RAILROAD COMPANY) APPLICATION NO. 23150
TO CLOSE ITS STATION AND AGENCY AT)
ORDWAY, COLORADO.)
- - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
December 4, 1968
- - - - - - - - - -

Appearances: Leo S. Altman, Attorney, Pueblo, Colorado, for Applicant, Missouri Pacific Railroad Company;
W. R. Rodman, St. Louis, Missouri, General Secretary-Treasurer for Transportation-Communication Employees Union, Protestants;
J. L. McNeill, Denver, Colorado, of the Staff of the Commission.

PROCEDURE AND RECORD

On April 24, 1968, the Applicant, Missouri Pacific Railroad Company, filed the instant application. In accordance with Commission Rules, Public Notice was posted at the Ordway Depot, on April 29, 1968, to show proposed change of service.

On July 18, 1968, the Commission, pursuant to law, designated Robert L. Pyle, as an Examiner, for the purpose of conducting the hearing in the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Kiowa County Court House, Eads, Colorado, on August 2, 1968. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

In this proceeding, permission and authority is being sought by Applicant for the closing of its station and agency at Ordway because of the following reasons: Insufficiency of business at the Ordway station

to justify continued operation on a net loss basis; that volume of work amounts to an average of some two hours per day; and that closing of the station would be compatible with the public interest and would not affect the safety of train operations.

Proposal was made to transfer all the business now being handled at Ordway to the Agency station at Avondale which is located 36 miles to the west and, if needed, necessary personnel would be brought in and removed upon a temporary basis during times of seasonal rush or unforeseen demand in order to meet public needs. Seven letters of protest were received by the Commission citing: Loss of L.C.L. freight service on the railroad; that closing of the station would leave no railroad freight office open in Crowley County; that there is no railroad passenger or express service for the town; and that loss of the depot would be a further detriment.

According to the Examiner's report no local witnesses appeared at the hearing and no protest was made by any municipal representative or railroad patron.

Testimony on behalf of Applicant was presented by:

A. C. Yowell, Traffic Freight Accountant, St. Louis, Missouri

Leo Termer, Trainmaster, Local Area, Pueblo, Colorado

J. R. Scherer, Division Superintendent, Kansas Division, Osawatomie, Kansas.

The following exhibits were identified by Mr. Yowell and were received into evidence at the hearing:

Exhibit No. 1 - (2 pages) -- Statement - Period January 1965 to end of December 1967 by months. Shows the carloads, L.C.L. shipments and revenues -- forwarded and received -- at Ordway, Colorado.

Exhibit No. 2 - Statement showing the number of carloads by commodities -- forwarded and received -- January 1965 to end of December 1967. Includes stations of Crowley and Sugar City being handled through the Ordway Office.

Exhibit No. 3 - Statement of station expense at Ordway, Colorado.

Exhibit No. 4 - Statement showing the approximate net railway operating income for Ordway Station.

Exhibit No. 5 - Statement of net railway operating revenue for combined stations of Ordway, Crowley and Sugar City.

The reduction of Station Expenses during 1966 and 1967, as shown by Exhibit No. 3, was the result of decreased manpower needs after the discontinuance of passenger train service in 1966.

Leo Termer, Trainmaster for Applicant, made monthly time and motion studies in 1966 and 1967 to observe the amount of station work and the time required for performance of the various duties required at Ordway. In his review of the study he found that there were some seasonal variations of time involved; however, on a yearly basis, work time for the Agent was an average of one (1) hour and 54 minutes per day.

Mr. Termer described rail traffic as consisting of two regular freight trains daily in each direction; and that Ordway service is provided by a Local Switching train moving east from Pueblo, Colorado on Sunday, Tuesday, and Thursday and returning westward from Horace, Kansas on Monday, Wednesday and Friday. Open hours at the station are between 8:30 A.M. and 5:30 P.M. Monday through Friday of each week. Work by the switch train moving west has been done during open station times of 3:45 to 4:00 P.M. and eastbound service at about 7:00 P.M., or at a time when the Agent was not on duty. The switching list as provided to the train crew, plus their personal knowledge of the local industries and shipper instructions, enable the crew to provide local switching service without Agent assistance.

In describing the Ordway situation, Mr. Termer disclosed that the population of Ordway is 1,254 persons and is located 36 miles east from the Agency station of Avondale and is 88 miles west from the station of Sheridan Lake. It is located on Colorado Highway No. 96 which is an asphalt-paved all-weather road and is served by T & W Truck Line operating on alternate week days between Sugar City and Pueblo, Colorado. Mail is

handled by truck and there is no bus service through the area. Telephone toll charges from Ordway for alternate agency service from other stations are as follows and would be prepaid by Missouri Pacific:

To:	Person to Person	Station to Station
Avondale	85¢	55¢
Eads	96¢	57¢
Eads to Sheridan Lake	68¢	40¢
Sheridan Lake	$1.64	97¢

Principal activity of the region is agriculture with local businesses consisting of a farm implements dealer, hardware store, grain elevator and the A.D.M. Alfalfa Dehydrating Plant.

Division Superintendent, J. R. Scherer, explained that future ordering of cars through the Avondale station would be received by telephone in the same manner as now followed with the local agent; that car requests would be forwarded to the System Car Dispatcher for movement by the Local switch train; and that when loaded cars are ready to move the shipper may again give telephone information to the Avondale Agent for bill of lading and waybill preparation and for switch crew instructions. Delivery of inbound shipments would be continued with usual switch crew handling and freight billing would also be made from the Avondale office. Information on tracing cars or damage claims would also be available through the Avondale Agent.

The Ordway business was described by Mr. Scherer as being mainly outbound movement of alfalfa pellets from the Archer M. Daniel dehydrator plant; that the new type, large size hopper cars are provided; that, in contrast to regular box cars used in grain service, there are no side doors to be sealed; that no car-body repairs or agent inspections are required; and that no damage claims were made in the past year.

Regarding the small amount of Agent work at Ordway, Mr. Scherer explained that it is not possible to employ only a part time agent because full-time wage payments must be made; that communications in the are are sufficiently good; that the Avondale Agent could maintain the local service; and that customer needs could also be handled from the Eads station some 60 miles to the east.

DISCUSSION

Summary of exhibit data is set forth as follows:

ORDWAY STATION

Item		1965	1966	1967
Carloads:	Forwarded	89	112	162
	Received	11	15	11
	Total Carloads	100	127	173
Revenues:				
Carloads Forwarded		$18,836	$23,632	$32,725
Other Received		2,088	2,262	1,452
Passenger and Misc.		4,089	710	--
	Total Revenues	$25,013	$26,609	$34,177
Expense:				
Operating Ratio for Expense		76.51%	78.17%	78.53%
Amount Operating Expense		$19,137	$20,800	$26,839
Station Expense		20,735	14,647	8,966
	Total Expense	$39,872	$35,447	$35,805
Remainder: Gain (Loss)				
Revenue Less Expenses		($14,859)	($ 8,838)	($ 1,628)

In addition to the Ordway business as noted above, activity at the other stations is as follows:

CARLOADS AS NOTED

Station	Commodity	1965	1966	1967
Crowley - Forwarded	Sugar	1		
	Sugar Beets	82	21	-
Received	Cattle	-	2	-
Totals		83	23	-
Sugar City - Forwarded	Wheat	-	-	4

Effect of additional revenue offers a slight reduction in the Ordway losses to the following amounts as shown in Exhibit No. 5:

1965	1966	1967
($14,446)	($8,746)	($1,468)

The promotion of community welfare and prestige offered by presence of a local railroad agent is understandable to the Commission. However, in this instance we see a typical station operation, in an agricultural area with seasonal shipping needs that vary according to good or bad crop production, good or bad weather, rainfall, insects, and labor conditions. Limited revenues have supported the out-of-pocket station expenses but are not sufficient to provide for operating costs to move the traffic resulting in the operating losses herein.

In consideration of the public convenience and necessity we note the provisions for an alternate agency service; that essential haulage and switching services will not be changed; that telephone toll expense will be paid by Missouri Pacific; that it appears there will be only a minimum inconvenience to a few patrons; and that elimination of a non-productive station expense will be in the public interest.

F I N D I N G S

From the foregoing Statement, which by reference is made a part hereof; and after due and careful consideration of the entire record in this proceeding, the Commission is of the opinion and finds:

That safe and economical railroad operation does not require the maintenance of a station or agent at Ordway, Colorado.

That, considering the evidence as presented, there is not sufficient public need or convenience to justify the continued maintenance and operation of the Ordway Station.

That the expenses involved in maintaining a Station Agent at Ordway are not justified in view of the proposed change of service.

That added telephone toll expense of Ordway patrons to handle railroad business will be paid by Missouri Pacific Railroad Company.

That public convenience and necessity in the Ordway area can be readily handled on an alternate basis through the Avondale or Eads stations or both.

That public convenience and necessity no longer requires the continued maintenance of an Agency station at Ordway, Colorado by the Missouri Pacific Railroad Company and authority for discontinuance should be granted as hereinafter provided in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Applicant herein, Missouri Pacific Railroad Company, be, and is hereby authorized to discontinue its Agency service at Ordway, Crowley County, Colorado, and to thereafter maintain same as a prepay or non-agency station.

That telephone toll expense for the handling of railroad business from the Ordway area shall be paid by Missouri Pacific Railroad Company.

That during any times of seasonal rush, or unforeseen demand for temporary station service, necessary personnel may be brought in and withdrawn as required to meet the public needs.

That reference shall be made to this Decision in the respective tariff schedules to show closing of the Ordway Agency office and as authority for such action.

That the Commission retains jurisdiction in this matter to make such further order or orders as may be required.

That this Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of December, 1968.
ls

(Decision No. 72254)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF RESPONDENT, BRISSON TRUCKING COMPANY, INC., 4415 McINTYRE ROAD, GOLDEN, COLORADO, UNDER PERMIT NO. B-6285.	CASE NO. 5385 ORDER TO SHOW CAUSE AND NOTICE OF HEARING

December 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted Permit No. B-6285 to conduct certain operations as a private carrier by motor vehicle for hire for the following, to-wit:

> Transportation of crated lettuce, from cooling plants, and potatoes, in bags, from fields and storage facilities, from Alamosa, Colorado, and a radius of fifty miles thereof, to points within the City of Denver, Colorado, and a radius of ten miles thereof; peaches, apples and pears, from Delta and Mesa Counties, Colorado, to Denver, Colorado, and a radius of ten miles thereof, for the following customers only:
>
> Red Owl Stores, Inc., 3001 Brighton Blvd., Denver, Colorado; Simeone Brothers, 202 Denargo Market, Denver, Colorado; Mile High Fruit and Vegetable Company, Denargo Market, Denver, Colorado; Palmer and Johnson Company, 111 Denargo Market, Denver, Colorado; Famularo and Sons, 213 Denargo Market, Denver, Colorado.

The Staff of the Public Utilities Commission of the State of Colorado has conducted an investigation relating to the motor vehicle operations of Respondent, Brisson Trucking Company, Inc., 4415 McIntyre Road, Golden, Colorado, under said Permit No. B-6285. Said investigation discloses that the Respondent has engaged in transportation practices in violation of Public Utility Law, the Rules and Regulations of the Commission and the public policy of the State of Colorado in the following respect, to-wit:

By performing transportation beyond the scope of authority contained in Permit No. B-6285, contrary to Rule 5 (a) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle For Hire.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, and to determine what Order or penalty, if any, shall be made or imposed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Respondent, Brisson Trucking Company, Inc., be, and hereby is, directed to appear before the Commission on the day and date as specifically set forth below, to show cause why the Commission should not take such action and enter such Order or penalty as may be appropriate, including, but not limited to a cease and desist Order, or if warranted, an Order cancelling and revoking Permit No. B-6285 of the Respondent.

That this Case be, and the same hereby is, set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m., on January 6, 1969, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.
sl

(Decision No. 72255)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED OLIVAS, 1532-3RD AVENUE, GREELEY,) APPLICATION NO. 23214-Transfer
COLORADO, FOR AUTHORITY TO TRANSFER) SUPPLEMENTAL ORDER
PUC NO. 4587 TO LONDELL A. BUNTING,)
617-12TH AVENUE, GREELEY, COLORADO.)

December 5, 1968

Appearances: Thomas A. Richardson, Esq.,
Greeley, Colorado, for
Transferor and Transferee

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 31, 1968, the Commission entered Decision No. 71651 authorizing the transfer of PUC No. 4587 from Fred Olivas to Londell A. Bunting.

It now appears that the Commission through inadvertence, in setting forth the authority contained under PUC No. 4587 incorrectly and wrongly restricted said authority against service in the City of Greeley, Colorado.

In view of the above and foregoing, the Commission states and finds that Decision No. 71651 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 71651 be, and the same hereby is, amended, nunc pro tunc, as of July 31, 1968, by setting aside and vacating said Decision insofar as it pertains to the granting of authority to render transportation services, and that in lieu thereof authority be, and hereby is, granted so that henceforth the full authority for transportation services under said PUC No. 4587 be as follows, to-wit:

Transportation of all forms of trash, ashes and refuse, from point to point within a radius of ten miles of Greeley, Colorado.

That, except as herein amended, Decision No. 71651 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.
sl

(Decision No. 72256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDDIE GALLEGOS, DOING BUSINESS AS)
"G & S SANITATION SERVICE," P. O.) APPLICATION NO. 23334-Extension
BOX 1957, FORT COLLINS, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PUC NO. 4438.)

December 5, 1968

Appearances: Elery Wilmarth, Esq.,
Fort Collins, Colorado,
for Applicant;
Leslie R. Kehl, Esq.,
Denver, Colorado,
for Otto Streeb, doing
business as "Otto Streeb
Transfer Company," Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 30, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate PUC No. 4438 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The record transmitted by the Examiner discloses that a Motion for Continuance was made and that said Motion was granted and approved by the Examiner.

The ruling by the Examiner granting said Motion for Continuance is hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23334-Extension, be, and is hereby, continued and reset for hearing by the Secretary of the Commission at 10:00 o'clock A.M., on February 4, 1969, in the Auditorium, Larimer County Courthouse, Fort Collins, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.
sl

(Decision No. 72257)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD MONDRAGON, DOING BUSINESS AS)
"DICK'S TRASH HAULING SERVICE," 418) APPLICATION NO. 23341-Extension
WOOD STREET, FORT COLLINS, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PUC NO. 3746.)

December 5, 1968

Appearances: Elery Wilmarth, Esq.,
Fort Collins, Colorado,
for Applicant;
Leslie R. Kehl, Esq.,
Denver, Colorado,
for Otto Streeb, doing business
as "Otto Streeb Transfer Company,"
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On August 1, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate PUC No. 3746 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The record transmitted by the Examiner discloses that a Motion for Continuance was made and that said Motion was granted and approved by the Examiner.

The ruling by the Examiner granting said Motion for Continuance is hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23341-Extension, be, and is hereby, continued and reset for hearing by the Secretary of the Commission at 10:00 o'clock A.M., on February 4, 1969, in the Auditorium, Larimer County Courthouse, Fort Collins, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.
sl

(Decision No. 72258)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES E. PEACOCK, 5573 SOUTH HURON,)
LITTLETON, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23406-PP

December 5, 1968

Appearances: James E. Peacock, Littleton, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 16, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.

2. Applicant does not hold previously granted authority from this Commission.

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That James E. Peacock, Littleton, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.
sl

(Decision No. 72259)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF UNION TELEPHONE COMPANY, INC.,)
MOUNTAIN VIEW, WYOMING, FOR A) APPLICATION NO. 21267
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
- - - - - - - - - - - - - - - - - - -

- - - - - - - - -
December 5, 1968
- - - - - - - - -

Appearances: John J. Conway, Esq., Denver, Colorado, for Applicant;
Vincent A. Vehar, Esq., Evanston, Wyoming, for Applicant;
Harry A. Galligan, Jr., Esq., Denver, Colorado, for the Staff of the Commission;
Paul M. Brown, Denver, Colorado, of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On September 13, 1965, the Commission entered Decision No. 65789 in the matter of the application of the Union Telephone Company for a certificate of public convenience and necessity. The terms of the Order contained the provision that the certificate granted therein was subject to the acquisition by the Applicant of certain communication facilities of Mountain Fuel Supply Company and further provided that such acquisition should be accomplished within one year from the date of an affirmative order issued by the Commission or the certificate shall be null and void.

On March 24, 1967, the Commission entered Decision No. 69249 granting Applicant an extension of time to and until March 9, 1968, within which to meet the limitations imposed in Decision No. 65789. As of said date, the acquisition not being accomplished, the Certificate of Public Convenience and Necessity issued by the Commission became void.

On October 29, 1968, the Commission received an Application to Reopen Proceeding in Application No. 21267 filed by Union Telephone Company

by its attorney Vincent A. Vehar, to present further evidence in support of its application.

On November 7, 1968, the Commission entered Decision No. 72155 granting the aforementioned application to reopen the proceeding in Application No. 21267, and after due notice to all parties concerned, set the within action for hearing at 2 o'clock p.m. on November 22, 1968, at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

At the hearing held on the aforesaid date, the motion by Applicant's attorney to incorporate the previous record, including the transcript of the hearing held on September 13, 1965, the pleadings and exhibits in connection therewith, into this record was granted by the Commission.

Mr. Howard D. Woody, Mountain View, Wyoming, vice president and general manager of Applicant, testified that Union Telephone has attempted to secure the facilities of the Mountain Fuel Supply Company in the northwestern corner of Colorado in the County of Moffat. He further stated that Union Telephone has been unable to negotiate the purchase of these facilities; that Mountain Fuel Supply reduced its activity in and has moved many of its employees from the area and that there has been a decreasing need for telephone services in the area. He further stated that Mountain Fuel Supply is currently serving its own facilities and also some employees in that area.

Mr. Woody testified that Union Telephone has made additional studies concerning service into the Brown's Park-Ladore area along the Green River. Submitted as Exhibit A were applications from several potential customers in this area, which customers have expressed a desire for telephone service. He further stated that Union Telephone has surveyed the area in question, has purchased materials, secured necessary funds, and has employed a contractor who is now constructing telephone facilities in the Utah service area of Applicant and who can immediately move into Colorado to construct facilities to provide telephone service to the

inhabitants of the Brown's Park-Ladore areas.

Mr. Amos Jackson, a professional engineer retained by Union Telephone to make the necessary studies for the construction of telephone facilities in the Brown's Park-Ladore areas, testified that all of the customers who have made application to the Union Telephone Company for service and for which engineering studies have been made lie within an area which includes: Range 101 West, Range 102 West, Range 103 West and Range 104 West as they fall within Township 9 North, Township 10 North, and Township 11 North, all in Moffat County, Colorado. At the present time Union Telephone has not made studies concerning the service to any customers outside this area. The above described area is shown on Applicant's Exhibit B and on Applicant's Exhibit B-1, which exhibit shows the townships and ranges involved.

Mr. Jackson indicated in his testimony that Union is still applying for certification to the same area as shown on Exhibit No. 1 of Applicant's original application, which area extends to the northwestern corner of the State of Colorado and extends eastwardly through Range 97 West. Although there are a few potential customers in the northern portion of this area who may desire service, Union Telephone has no immediate plans for construction into this area.

Applicant's witnesses have described the area for which they seek certification as a "wilderness area" through which construction will be difficult. However, arrangements have been made to install telephone service lines to the prospective customers on existing power poles of Moon Lake Electric Association, thus reducing much of the expense of construction. Witnesses further testified that this area is not now being served by any telephone company, nor do they know of any other source of telephone service available to these people. Proposed service to the within described area will be made under the provision of Applicant's tariff, which tariff was offered as Exhibit C of this hearing and was tendered for filing August 19, 1968. While the tariff includes rates for

one and two-party service, it is anticipated that all of the customers of the within described area will receive multiparty service with a maximum of five parties per line. The rate set forth in Union's tariff is $6 per month for such service. Witnesses further stated that no customer contributions will be required for such service. Mr. Jackson stated that if Union Telephone is granted a certificate of public convenience and necessity, that construction work will commence immediately upon issuance of an order by this Commission for the installation of the proposed telephone service.

F I N D I N G S

THE COMMISSION FINDS:

That this Commission has jurisdiction of the Applicant herein and of the subject matter under consideration.

That there are potential telephone customers living within the Brown's Park-Ladore area along the Green River in northwestern Colorado that are desirous of obtaining telephone service from the Applicant.

That Union Telephone Company has expressed a willingness, ability and desire to serve the customers lying within the said area.

That the foregoing Statement is hereby made a part of these Findings by reference.

That the record of former hearings in the within application should be made a part of the record of this hearing.

That the public interest would best be served by the granting of the certificate of public convenience and necessity in the following area: Range 101 West, Range 102 West, Range 103 West and Range 104 West as these ranges fall within Township 9 North, Township 10 North and Township 11 North, all lying within Moffat County of the State of Colorado.

It is the finding of this Commission that the area for which the Applicant seeks a certificate lying outside the above described area will not serve the public interest at this time for the reason that Applicant does not now intend to serve any customer in these other areas.

It is not the policy of this Commission to certificate large areas of service when it is not shown that there is a present need or requirement for service.

That the previous Order and Decision No. 65789, issued by this Commission and contingent upon the purchase by Applicant of the Mountain Fuel Supply Company facilities, should be vacated upon entry of this Order.

O R D E R

THE COMMISSION ORDERS:

That Union Telephone Company is hereby granted a Certificate of Public Convenience and Necessity to serve those potential telephone customers which lie within Ranges 101 West, Range 102 West, Range 103 West and Range 104 West as these ranges fall within Township 9 North, Township 10 North and Township 11 North, all lying within Moffat County, State of Colorado.

That this Order supersedes Order and Decision No. 65789, as supplemented by Decision No. 69249, previously entered by this Commission.

That this Order is subject to compliance by Applicant of all present and future laws and rules and regulations of the Commission.

That its Tariff Colo. PUC No. 1 tendered for filing August 19, 1968 may become effective on not less than five days' written notice to this Commission prior to the furnishing of the initial service.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.

ls

(Decision No. 72260)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GOLDEN ASH & TRASH SERVICE, CO.,INC) PUC NO. 2078
15835 WEST 13TH AVENUE, GOLDEN,)
COLORADO.)
- - - - - - - - - - - - - - - - - - -

- - - - - - - - - - -
December 5, 1968
- - - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Golden Ash & Trash Service, Co., Inc., Golden, Colorado, is the owner and operator of PUC No. 2078, authorizing operations as a common carrier by motor vehicle for hire, for the:

> Transportation of sand, gravel, fertilizer and top soil, in the City of Golden and points within a ten (10) mile radius thereof.

The Commission is in receipt of a communication from Robert A. Grove, President of Golden Ash & Trash Service, Co., Inc., requesting that the commodity "fertilizer," be deleted from said PUC No. 2078.

The Commission states and finds that said request should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights under PUC No. 2078, owned and operated by Golden Ash & Trash Service, Co., Inc., Golden, Colorado, be, and the same hereby are, amended and restricted, upon request of said certificate-holder, by deleting therefrom the commodity "fertilizer," and that henceforth the operating rights under said PUC No. 2078 shall be and read as follows:

Transportation of sand, gravel, and top soil, in the City of Golden, Colorado, and points within a ten (10) mile radius thereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.

ls

(Decision No. 72261)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VIRGINIA A. I. OWENS, DOING BUSINESS AS "V. A. I. OWENS," 2638 WALDEAN, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-7203 TO JACK REMINGTON AND VIRGINIA A. I. REMINGTON, 2638 WALDEAN, COLORADO SPRINGS, COLORADO.	)	APPLICATION NO. 23447-PP-Transfer

December 5, 1968

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 7, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was called for hearing by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

The Applicants did not appear at the time and place designated for the hearing; however, Applicants later advised that they were ill and, therefore, unable to appear so a continuance should be granted."

The Examiner, in his filed report with the Commission, has concluded and recommended, that the herein matter be continued and reset for hearing at 10:00 A.M., on January 21, 1969, in the Auditorium, County Office Building, 27 East Vermijo Street, Colorado Springs, Colorado.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23447-PP-Transfer, be, and is hereby, continued and reset for hearing by the Secretary of the Commission at 10:00 o'clock A.M., January 21, 1969, in the Auditorium, County Office Building, 27 East Vermijo Street, Colorado Springs, Colorado, and that notice of said hearing be given to only the Applicants herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.
ls

(Decision No. 72262)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PAT WHITCOMB, FOR AUTHORITY TO TRANSFER ALL OF THE OUTSTANDING CAPITAL STOCK IN AND TO LIND & HILL SCENIC COLORADO TOURS, INC., DOING BUSINESS AS "A. A. TOURS," 8162 LA PLACE COURT, WESTMINSTER, COLORADO, RECORD OWNER OF PUC NO. 77 TO ANDY BRENDEN, 310 DENVER CLUB BUILDING, DENVER, COLORADO.	APPLICATION NO. 23337-Stock Transfer
IN THE MATTER OF THE APPLICATION OF PAT WHITCOMB, FOR AUTHORITY TO TRANSFER ALL OF THE OUTSTANDING CAPITAL STOCK IN AND TO LIND & HILL SCENIC COLORADO TOURS, INC., DOING BUSINESS AS "A. A. TOURS," 8162 LA PLACE COURT, WESTMINSTER, COLORADO, RECORD OWNER OF PUC NO. 191 TO ANDY BRENDEN, 310 DENVER CLUB BUILDING, DENVER, COLORADO.	APPLICATION NO. 23338-Stock Transfer
IN THE MATTER OF THE APPLICATION OF PAT WHITCOMB, FOR AUTHORITY TO TRANSFER ALL OF THE OUTSTANDING CAPITAL STOCK IN AND TO LIND & HILL SCENIC COLORADO TOURS, INC., DOING BUSINESS AS "A. A. TOURS," 8162 LA PLACE COURT, WESTMINSTER, COLORADO, RECORD OWNER OF PUC NO. 193 TO ANDY BRENDEN, 310 DENVER CLUB BUILDING, DENVER, COLORADO.	APPLICATION NO. 23339-Stock Transfer

SUPPLEMENTAL ORDER

December 5, 1968

Appearances: Victor F. Crepeau, Esq., Denver, Colorado, for Transferor and Transferee.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 8, 1968, the Commission entered Decision No. 72161 authorizing the transfer of the capital stock as above captioned, subject, however, to the filing of a written acceptance on or before the effective date of said Decision by the parties thereto advising the Commission that

said stock has been formally transferred, and further that they have accepted the conditions and requirements as set forth in the Order part of said Decision No. 72161.

On November 27, 1968, the Applicants above named, by their Attorney Victor F. Crepeau, filed with the Commission a Motion for Extension to File Acceptance requesting an extension of time in which to comply with the Commission's Decision for a period of twenty days.

The Commission states and finds that said request is in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-named Applicants be, and hereby are, granted an extension of an additional period of time to file the written acceptance of transfer as ordered and set forth in Decision No. 72161, to and until December 31, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.
ls

(Decision No. 72263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
OURAY TRUCK LINE, INC., 4030 EAST) PUC NO. 722-I
MAGNOLIA, P. O. BOX 20433,)
PHOENIX, ARIZONA.)

December 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate-holder requesting authority to change its corporate name to Riteway Transport, Inc. in the conduct of operations under PUC NO. 722-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Ouray Truck Line, Inc., be, and hereby is, authorized to change its corporate name to Riteway Transport, Inc., in the conduct of operations under PUC NO. 722-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.

ls

(Decision No. 72264)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF GLENN R. NELSON, DOING BUSINESS AS "PARKER TRASH REMOVAL," BOX 1, PARKER, COLORADO.) PUC NO. 3646

December 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written communication from the above-styled certificate-holder requesting authority to do business as Glenn R. Nelson, doing business as "Freddie's Trash Box," in lieu of Glenn R. Nelson, doing business as "Parker Trash Removal," in the conduct of operations under PUC No. 3646.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Glenn R. Nelson, doing business as "Parker Trash Removal," be, and hereby is, authorized to conduct operations under the trade name and style of Glenn R. Nelson, doing business as "Freddie's Trash Box," in the conduct of operations under PUC No. 3646, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.

ls

(Decision No. 72265)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY LEE PARRIS, 1634 OGDEN STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 23454-PP
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)
- -

- - - - - - - - -
December 5, 1968
- - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, Applicant herein sought a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of U. S. Mail and customer ordered printed materials, between all points within Denver, Colorado, for one customer only, Publishers Press, Inc., 1830 Curtis Street, Denver, Colorado.

The Commission has received a written request from K. F. Ross, Attorney for the Applicant, requesting that the subject application be cancelled.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23454-PP be, and the same hereby is, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1968.

ls

Original

(Decision No. 72266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER CERTIFICATES NOS. 1308 and 1255, BY DAVID BAKER, ROUTE 2, DURANGO, COLORADO 81301	CASE NO. T - 3 NOTICE OF HEARING AND ORDER TO SHOW CAUSE

December 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above-named Respondent was issued the above-captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said Respondent has violated the law and the rules and regulations of the Commission by failing and neglecting to file a Tariff as required, and that said Respondent is now conducting motor vehicle operations under said operating rights in violation of said law, rules and regulations.

The Commission states and finds that unless the above-named respondent files with the Commission the above-stated matter, or shows cause why the above-captioned and numbered operating rights should not be revoked for failing to comply therewith, on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That this case be, and the same hereby is, set for hearing in Room 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 o'clock a.m., on the 29th day of January, 1969, at which time and place proper evidence may be presented.

2. That Respondent, David Baker, is hereby directed to appear

before the Commission on the day and time as set forth above, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including but not limited to an Order cancelling the aforesaid Certificate of the Respondent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
5th day of December, 1968. av

(Decision No. 72267)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN AIRWAYS, INC., A COLORADO CORPORATION, 515 MAJESTIC BUILDING, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A SCHEDULED COMMON CARRIER BY AIRPLANE FOR THE TRANSPORTATION OF PERSONS AND PROPERTY ON SCHEDULE BETWEEN COLORADO SPRINGS, COLORADO AND DENVER, COLORADO AND LOVELAND, COLORADO AND FORT COLLINS, COLORADO.	APPLICATION NO. 23281
IN THE MATTER OF THE APPLICATION OF SUMMIT AIRWAYS, INC., A COLORADO CORPORATION, ROOM 2017, 1700 BROADWAY, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A SCHEDULED COMMON CARRIER BY AIRPLANE FOR THE TRANSPORTATION OF PERSONS AND PROPERTY ON SCHEDULE FROM, TO AND BETWEEN THE FOLLOWING POINTS IN THE STATE OF COLORADO: DENVER, FORT COLLINS-LOVELAND AND GREELEY.	APPLICATION NO. 23371

December 6, 1968

Appearances: Robert S. Wham, Esq., Denver, Colorado, for Applicant, Rocky Mountain Airways, Inc.;
Monte D. Pascoe, Esq., Denver Colorado, for Applicant, Summit Airways, Inc.;
Bruce F. Ownbey, Esq., Denver, Colorado, for Trans Central Airlines, Inc.;
James C. Perrill, Esq., Denver, Colorado, for Metro Commuter Airlines, Inc.;
John R. Barry, Esq., Denver, Colorado, for Continental Trailways Bus System, Inc., Protestant;
Raymond M. Wilson, Denver, Colorado, of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Application No. 23240 of Trans Central Airlines, Inc.;

Application No. 23281 of Rocky Mountain Airways, Inc.; Application

No. 23371 of Summit Airways, Inc.; and Application No. 23395 of Metro Commuter Airlines, Inc. were each called up for hearing on the date and at the place specified in the Notice of Hearing by Chairman Henry E. Zarlengo.

Before the taking of any evidence counsel for Summit Airways, Inc. made a motion that the applications presented be dismissed on the grounds that the Commission lacked jurisdiction over air transportation. Brief arguments were made and the motion was denied. Summit Airways, Inc. thereafter asked to withdraw its application which was allowed by Chairman Zarlengo.

Rocky Mountain Airways, Inc. made a similar request to withdraw its application, which was also allowed.

The Commission finds that said applications should be dismissed without prejudice.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23281 of Rocky Mountain Airways, Inc., be, and the same hereby is, dismissed without prejudice.

That Application No. 23371 of Summit Airways, Inc., be, and the same hereby is, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1968.
gf

(Decision No. 72268)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF RESPONDENTS, G. A. KEISER AND M. W. STERLING, DOING BUSINESS AS "GREELEY TRUCK LINE," 1645 1ST AVENUE, GREELEY, COLORADO, UNDER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 774, PUC NO. 774-I, PUC NO. 1048, PUC NO. 2048 AND PUC NO. 2048-I.	CASE NO. 5371
RE: MOTOR VEHICLE OPERATIONS OF RESPONDENT, LYNN KEIRNES, LUCERNE, COLORADO, UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 535, PUC NO. 1371 AND PUC NO. 1371-I.	CASE NO. 5372
RE: MOTOR VEHICLE OPERATIONS OF RESPONDENT, JOHN R. WALTERS, DOING BUSINESS AS "JACK WALTERS TRUCKING," LA JUNTA, COLORADO, UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 2703 AND PUC NO. 2703-I.	CASE NO. 5376
RE: MOTOR VEHICLE OPERATIONS OF RESPONDENT, LIVESTOCK TRANSPORT, INC., P. O. BOX 7, GREELEY, COLORADO, UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 519 AND PUC NO. 519-I.	CASE NO. 5377
RE: MOTOR VEHICLE OPERATIONS OF RESPONDENT, J. J. SCHAEFER LIVESTOCK HAULING, INC., WINDSOR, COLORADO, UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 432 AND PUC NO. 432-I.	CASE NO. 5378

SUPPLEMENTAL ORDER

December 6, 1968

Appearances: Marion F. Jones, Esq., Denver, Colorado, as Attorney of Record for Respondents, Lynn Keirnes, Livestock Transport, Inc., and J. J. Schaefer Livestock Hauling, Inc., and Specially for Respondent, John R. Walters, doing business as "Jack Walters Trucking," whose Attorney of Record is John P. Thompson, Denver, Colorado, and Specially

for Respondents, G. A. Keiser and M. W. Sterling, doing business as "Greeley Truck Line," whose Attorney of Record is Truman A. Stockton, Jr., Denver, Colorado.
Lloyd C. Espinosa, Denver, Colorado, and Oscar E. Franz, Denver, Colorado, of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 22, 1968, the Commission entered Decision No. 72217 in the above-entitled cases, which provided, as follows, to-wit:

> "That the Certificates of Public Convenience and Necessity, PUC No. 774, PUC No. 774-I, PUC No. 1048, PUC No. 2048, and PUC No. 2048-I, of the Respondents G. A. Keiser and M. W. Sterling, doing business as "Greeley Truck Line," be, and the same hereby are, revoked.
>
> That the Certificates of Public Convenience and Necessity, PUC No. 535, PUC No. 1371, and PUC No. 1371-I, of the Respondent, Lynn Keirnes, be, and the same hereby are, revoked.
>
> That the Certificates of Public Convenience and Necessity, PUC No. 2703 and PUC No. 2703-I, of the Respondent, John R. Walters, doing business as "Jack Walters Trucking," be, and the same hereby are revoked.
>
> That the Certificates of Public Convenience and Necessity, PUC No. 519 and PUC No. 519-I, of the Respondent, Livestock Transport, Inc., be, and the same hereby are revoked.
>
> That the Certificates of Public Convenience and Necessity, PUC No. 432 and PUC No. 432-I, of the Respondent, J. J. Schaefer Livestock Hauling, Inc., be, and the same hereby are, revoked.
>
> Provided, however, that should any of the Respondents pay the sum of $1250.00 as provided by law, on or before December 15, 1968, that then and in that event the Order herein entered revoking the Certificates of said payor-Respondent insofar as pertaining to the certificates of said Respondent be held for naught."

On November 29, 1968, the Respondents, J. J. Schaefer Livestock Hauling, Inc. and G. A. Deiser and M. W. Sterling, doing business as "Greeley Truck Line," by check, paid to the Treasurer of the State of Colorado the sum of $1,250.00 each in accordance with the terms of the alternative penalty provision of said Decision No. 72217.

On December 2, 1968, the Respondents, Lynn Keirnes and Livestock Transport, Inc., by check, paid to the Treasurer of the State of Colorado the sum of $1,250.00 in accordance with the terms of the alternative penalty provision of said Decision No. 72217.

On December 3, 1968, the Respondent, John R. Walters, doing business as "Jack Walters Trucking," by check, paid to the Treasurer of the State of Colorado the sum of $1,250.00 in accordance with the terms in the alternative penalty provision of said Decision No. 72217.

Inasmuch as each of the Respondents has elected and has paid the sum of $1,250.00 on or before December 15, 1968, as provided in Decision No. 72217, the Commission states and finds that Certificates of Public Convenience and Necessity PUC No. 774, PUC No. 774-I, PUC No. 1048, PUC No. 2048, PUC No. 2048-I, PUC No. 1371, PUC No. 1371-I, PUC No. 2703, PUC No. 2703-I, PUC No. 519, PUC No. 519-I, PUC No. 432 and PUC No. 432-I should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That the portion of Decision No. 72217, dated November 22, 1968, providing for the revocation of Certificates of Public Convenience and Necessity PUC No. 774, PUC No. 774-I, PUC No. 1048, PUC No. 2048 and PUC No. 2048-I, of Respondents G. A. Keiser and M. W. Sterling, doing business as "Greeley Truck Line;" PUC No. 535, PUC No. 1371 and PUC No. 1371-I, of Respondent Lynn Keirnes; PUC No. 2703 and PUC No. 2703-I, of Respondent John R. Walters, doing business as "Jack Walters Trucking;" PUC No. 519 and PUC No. 519-I, of Respondent Livestock Transport, Inc.; and PUC No. 432 and PUC No. 432-I, of Respondent J. J. Schaefer

Livestock Hauling, Inc., be, and the same hereby is, vacated, set aside and held for naught, and that said operating rights shall remain in full force and effect and be fully operative.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1968.

gf

(Decision No. 72269)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. K. KEESEE, BOX 1995, FARMINGTON,)
NEW MEXICO, FOR AUTHORITY TO TRANS-) APPLICATION NO. 23420-Transfer
FER PUC NO. 2359 AND PUC NO. 2359-I)
TO M & H TRUCKING, INC., BOX 1995,)
FARMINGTON, NEW MEXICO.)
- - - - - - - - - - - - - - - - - -

- - - - - - - - - -
December 6, 1968
- - - - - - - - - -

Appearances: T. Peter Craven, Esq.
Denver, Colorado, for
Transferor and Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 25, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 2359 and PUC No. 2359-I.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein is the present owner and operator of PUC No. 2359 and PUC No. 2359-I, which is the subject of this proceeding.

2. This authority has been continually operated in the past and is presently in good standing with the Commission.

3. Transferee corporation is a New Mexico corporation, duly organized and existing under the laws of the State of New Mexico and authorized to transact business in the State of Colorado, presently holds authority from this Commission under PUC No. 5877 and M-2414.

4. The sole purpose of this transfer proceeding is to place the operating authority contained in PUC No. 2359 and PUC No. 2359-I under corporate status and there is to be no consideration paid for said authority.

5. The Certificate is free and clear of any debts, encumbrances or obligations.

6. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

7. The chief corporate officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.

8. If this transfer is approved, Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 2359 and PUC No. 2359-I to M & H Trucking, Inc., and that henceforth the full and complete authority under PUC No. 2359 and PUC No. 2359-I shall read as follows, to-wit:

"Transportation -- on call and demand -- of

(1) Machinery, equipment, materials and supplies in or in connection with, the discovery, development, production, refining, manufacturing, processing,

storage, transmission, and distribution of natural gas and petroleum and their products and by-products

Between all points within the State of Colorado;

(2) Machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe line, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines.

Between all points within the State of Colorado;

(3) Commodities, which, on account of size or weight, require special equipment or special handling and contractors equipment, materials and supplies, in a general transfer and cartage service.

Between points within the city limits of Sterling, Colorado;

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That H. K. Keesee, Farmington, New Mexico, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 2359 and PUC No. 2359-I to M & H Trucking, Inc., Farmington, New Mexico, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 2359 and PUC No. 2359-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) Machinery, equipment, materials and supplies in or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products.

Between all points within the State of Colorado;

(2) Machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe line, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines

Between all points within the State of Colorado;

(3) Commodities, which, on account of size or weight, require special equipment or special handling and contractors equipment, materials and supplies, in a general transfer and cartage service.

Between points within the city limits of Sterling, Colorado;

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

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

That the right of transferee to operate under this Order shall depend upon the prior filing of the Annual Report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1968.
gf

Original

(Decision No. 72270)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLE JUICE, EDIBLE SYRUP AND VINEGAR, IN BULK, IN TANK VEHICLES, BETWEEN POINTS ON THE WESTERN SLOPE OF COLORADO, AND DENVER, COLORADO	)	INVESTIGATION AND SUSPENSION Docket No. 622

December 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 20, 1968, Jim Chelf, Inc., by James E. Chelf, President, 5226 Brighton Boulevard, Denver, Colorado 80216, filed Original Page No. 7 to its Local Freight Tariff No. 2, Colorado PUC No. 2, proposing reduced rates for the transportation of apple juice, edible syrup and vinegar, in bulk, in tank vehicles, between points on the Western Slope of Colorado, and Denver, Colorado. The reduced rates and charges are set forth in Items Nos. 200, 220 and 230 therein, as shown in Appendix "A" attached hereto.

The Commission finds that the rates proposed by the respondent herein are the same rates filed by Roth Truck Lines, Inc., which rates are under suspension in Investigation and Suspension Docket No. 621, set for hearing on December 12, 1968. Upon consideration of the proposed rates herein, the reduced rates and charges may, if permitted to become effective, result in violation of the Public Utilities Law. The Commission, therefore, on its own motion, shall suspend the proposed rates and enter into an investigation as to the lawfulness of said rates as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.

2. That it shall enter upon a hearing concerning the lawfulness of the proposed reduced rates and charges published in Items Nos. 200, 220 and 230, Original Page 7, Local Freight Tariff No. 2, Colorado PUC No. 2, scheduled to become effective December 20, 1968.

3. That the operation of said Items be, and it is hereby, suspended, and the use thereof deferred to and including April 4, 1969, unless otherwise ordered by the Commission.

4. That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said items under the Public Utilities Law.

5. That neither the items designated as suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired unless otherwise ordered by the Commission.

6. That a copy of this order shall be filed with the schedule in the office of the Commission and a copy hereof be served upon James E. Chelf, President, Jim Chelf, Inc., 5226 Brighton Boulevard, Denver, Colorado 80216, the Respondent in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to herein.

7. That fourteen (14) days prior to the hearing date herein, respondent shall provide the Secretary of the Commission with copies of any and all exhibits which Respondent intends to introduce in evidence in support of its case.

8. That this Investigation and Suspension Docket No. 622 be, and the same hereby is, set for hearing before the Commission on the 5th day of February, 1969, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
5th day of December, 1968. av

APPENDIX "A"

I&S Docket No. 622, Decision No. 72270

Original Page 7 — Colorado PUC No.2

JIM CHELF, INC.
LOCAL FREIGHT TARIFF NO. 2
MINIMUM SPECIFIC COMMODITY RATES
(in cents per 100 pounds)

Commodity	From	To	Rate	Item No.
Juice, apple, in bulk, in tank vehicles. Minimum shipment, shell capacity of tank used.	Delta and points within 5 miles thereof	Denver	48	ǂ 200 (R)
Sodium Silicate, liquid, in bulk in tank vehicles, minimum weight 50,000 pounds.	Climax	Urad Mine Site near Empire	27	ǂ 210 (R)
Syrup, edible, and blends thereof, in bulk in tank vehicles. Minimum weight 40,000 pounds	Between Denver	And Grand Junction	75	ǂ 220 (R)
Vinegar, in bulk in tank vehicles. Minimum weight 30,000 pounds	Between Denver	And Grand Junction	87	ǂ 230 (R)

ǂ indicates addition.
(R) indicates reduction.

Issued November 20, 1968
Effective December 20, 1968
Suspended to and including April 4, 1969

(Decision No. 72271)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE ESTATE OF JOHN W. BRAGG, DECEASED, ROUTE 4, BOX 288, GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3811 TO PEARL BRAGG, ROUTE 4, BOX 288, GREELEY, COLORADO.	APPLICATION NO. 23425-Transfer
IN THE MATTER OF THE APPLICATION OF PEARL BRAGG, ROUTE 4, BOX 288, GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3811 (IN THE EVENT AUTHORITY SOUGHT IN APPLICATION NO. 23425-Transfer IS GRANTED) TO BESTWAY DISPOSAL CO., A COLORADO CORPORATION, P.O. BOX 795, GREELEY, COLORADO.	APPLICATION NO. 23426-Transfer
IN THE MATTER OF THE APPLICATION OF BESTWAY DISPOSAL CO., A COLORADO CORPORATION, P. O. BOX 795, GREELEY, COLORADO, FOR AUTHORITY TO CONSOLIDATE AND CLARIFY PUC NO. 4615 AND PUC NO. 3811 INTO A SINGLE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO BE KNOWN AS PUC NO. 4615 (IN THE EVENT AUTHORITY SOUGHT IN APPLICATION NO. 23426-Transfer IS GRANTED).	APPLICATION NO. 23427-Consolidation and/or Clarification

December 6, 1968

Appearances: Leslie R. Kehl, Esq., Denver, Colorado, for Applicants;
William A. Wilson, Esq., Denver, Colorado, for Brighton-Best Disposal, Decker Disposal, Decker Disposal No. 2, doing business as "Industrial Disposal," Metropolitan Trash, Inc., Commerce Refuse Disposal, Inc., and Bestway Disposal, Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 18, 1968, the above-entitled applicatons were filed requesting authority to transfer Certificate PUC No. 3811 from the Estate of John W. Bragg, Deceased, to Pearl Bragg, Greeley, Colorado; to transfer Certificate PUC No. 3811 from Pearl Bragg, Greeley, Colorado (in the event

authority sought in Application No. 23425-Transfer is granted) to Bestway Disposal Co., a Colorado corporation, Greeley, Colorado; and to consolidate and clarify PUC No. 4615 and PUC No. 3811 into a single certificate of public convenience and necessity to be known as PUC No. 4615 (in the event authority sought in Application No. 23426-Transfer is granted).

After due and proper notice to all interested persons, firms or corporations, the applications were heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said applications -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein applications were protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the applications, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Motion to consolidate for hearing Applications No. 23425, 23426 and 23427 and agreed to by Protestants was granted.

The parties entered into a Stipulation which provided that the rewrite of Certificate of Authority PUC No. 4615 should read as follows:

'Transportation of ashes, trash and other waste materials from points in the following described territory: commencing at the point of intersection of Interstate Highway No. 25 and Colorado Highway No. 14, thence east along Colorado Highway 14 to a point 10 miles east of U.S. Highway No. 85, thence south along a line running parallel with U. S. Highway 85 to a point where it intersects Colorado Highway No. 52, thence directly west along Colorado Highway No. 52 to a point where it intersects with Interstate Highway No. 25, thence north along Interstate Highway No. 25 to a point of beginning excluding, the city of Fort Lupton, to dumps or other authorized places of disposal in said territory.'

Whereupon, all Protestants withdrew.

The effect of the Stipulation regarding the rewrite of the consolidated Certificates is to use Colorado Highway No. 52 as a southern boundary to the authority instead of an imaginary line 'five miles south of the Adams-Weld county line' and it also specifically excludes the city of Fort Lupton. The area excluded by the Stipulation has not been served in the past by the present holder of the authority and, in fact, is adequately served by Protestants."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their protest to the granting of the authority as herein sought.

All motions granted or denied by the Examiner, if any, and the Stipulation as above referred to, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This proceeding involves three (3) applications as follows:

   a. Application No. 23425 which requests the transfer of PUC No. 3811 from the Estate of John W. Bragg, Deceased, to Pearl Bragg, his surviving spouse.

   b. Application No. 23426 which requests the transfer of PUC No. 3811 from the aforementioned Pearl Bragg to Bestway Disposal Co., a Colorado corporation.

   c. Application No. 23427 which is a request by Bestway Disposal Co. to consolidate and clarify PUC No. 3811 and PUC No. 4615 so as to include the authority under PUC No. 3811 in the authority of PUC No. 4615, cancel Certificate of Authority PUC No. 3811 and redescribe said authorities (pursuant to Stipulation prior to the hearing) as follows:

      "transportation of ashes, trash and other waste materials from points in the following described territory: commencing at the point of intersection of Interstate Highway No. 25 and Colorado Highway No. 14, thence east along Colorado Highway 14 to a point 10 miles east of U.S. Highway No. 85, thence south along a line running parallel with U.S. Highway 85 to a point where it intersects Colorado Highway No. 52, thence directly west along Colorado Highway No. 52 to a point where it intersects with Interstate Highway No. 25, thence north along Interstate Highway No. 25 to a point of beginning excluding, the city of Fort Lupton, to dumps or other authorized places of disposal in said territory."

2. Bestway Disposal Co. also holds Certificate of Authority PUC No. 3235, which provides for an ash and trash service in and about the Boulder, Colorado, area, which authority would not be involved in this proceeding.

3. Bestway Disposal Co. also holds Certificate of Authority PUC No. 4615, which provides for

> "Transportation of ashes, trash and other refuse from points within the City of Greeley, Colorado, and a ten-mile radius thereof".

By and as a part of its application, Bestway Disposal Co. requests that the authority obtained by transfer, namely, PUC No. 3811, be consolidated with and made a part of PUC No. 4615.

4. Bestway Disposal Co. also holds Certificate of Authority PUC No. 4238, which is identical to PUC No. 4615, as described above. Since said Certificate is identical to said PUC No. 4615 and the authority contained therein would be included in the newly consolidated authority identified as PUC No. 4615, PUC No. 4238 should be cancelled in its entirety.

5. Certificate of Authority PUC No. 3811, which is the subject of the transfer proceeding, is presently described as :

> "Transportation of trash, refuse and waste materials in and about the cities and towns of Ault, Greeley, Evans, LaSalle, Gilcrest, Fort Lupton and Brighton, Colorado".

6. The present description of Certificate of Authority PUC No. 3811 is confusing and should be redescribed as hereinafter set forth, primarily because of the words "in and about" as they appear in the area description.

7. Certificate of Authority PUC No. 3811 was owned and operated by John W. Bragg during his lifetime and, upon his death, by ORDER OF DISTRIBUTION UNDER THE SMALL ESTATES ACT, Exhibit No. 2, said authority was distributed to his surviving spouse, Pearl Bragg, pursuant to the ORDER of the District Court of Weld County.

8. Pearl Bragg, by Agreement identified as Exhibit No. 3, transferred Certificate of Authority PUC No. 3811 to Bestway Disposal Co.

9. In the operation of Certificate of Authority PUC No. 3811, the holder thereof did not provide service in the City of Fort Lupton nor in that area lying south of Colorado Highway No. 52 and, in fact, by action and intent, abandoned that portion of the authority.

10. Other than as mentioned above, said authority has been continually operated in the past and is presently in good standing with the Commission.

11. The Certificate (PUC No. 3811) is free and clear of any debts, encumbrances or obligations.

12. The consideration to be paid for Certificate of Authority PUC No. 3811 is fair and reasonable.

13. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

14. The chief corporate officers as well as the employees of the corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.

15. If the transfers are approved, Transferee, Bestway Disposal Co., intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

16. In order to avoide duplication and to better clarify the authorities involved herein, PUC No. 3811, PUC No. 4615 and PUC No. 4238 should be consolidated as hereinafter set forth, PUC No. 3811 and PUC No. 4238 should be cancelled and the new authority issued as PUC No. 4615. No action should be taken with respect to PUC No. 3235, which is the authority for the Boulder area.

17. The transfers are compatible with the public interest and should be granted as hereinafter set forth.

18. It would be in the public interest to consolidate and clarify the Certificates as above set forth and the application with respect thereto should be granted.

EXAMINER CONCLUSIONS

1. That the Commission make and enter its Order authorizing the Estate of John W. Bragg, Deceased, to transfer all of its right, title and interest in and to Certificate of Authority PUC No. 3811 to Pearl Bragg.

2. That the Commission make and enter its Order authorizing Pearl Bragg to transfer all of her right, title and interest in and to Certificate of Authority PUC No. 3811 to Bestway Disposal Co.

3. That the Commission make and enter its Order consolidating Certificates of Authority PUC No. 3811 and PUC No. 4615 and henceforth the consolidated authority be known and numbered as Certificate of Authority PUC No. 4615 and be described as follows:

"Transportation of

Ashes, trash and other waste materials

From points in the following described territory: commencing at the point of intersection of Interstate

Highway No. 25 and Colorado Highway No. 14, thence east along Colorado Highway 14 to a point ten miles east of U. S. Highway No. 85, thence south along a line running parallel with U.S. Highway 85 to a point where it intersects Colorado Highway No. 52, thence directly west along Colorado Highway No. 52 to a point where it intersects with Interstate Highway No. 25, thence north along Interstate Highway No. 25 to a point of beginning, to dumps or other authorized places of disposal in said territory.

RESTRICTION:

This Certificate is restricted to any service within the City of Fort Lupton, Colorado."

4. That the Commission make and enter its Order cancelling Certificate of Authority PUC No. 3811 and PUC No. 4238.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That the Estate of John W. Bragg, Deceased, Greeley, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3811 to Pearl Bragg, Greeley, Colorado; and that Pearl Bragg, Greeley, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3811 to Bestway Disposal Co., a Colorado corporation, Greeley, Colorado, all being subject to encumbrances, if any, against said authority approved by this Commission.

That Certificate of Public Convenience and Necessity PUC No. 4238 and PUC No. 3811 be, and hereby are, consolidated and merged with Certificate of Public Convenience and Necessity No. 4615.

That, in view of the above, Certificate Numbers 4238 and 3811 be, and the same hereby are, cancelled.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 4615 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other waste materials

From points in the following described territory:

Commencing at the point of intersection of Interstate Highway No. 25 and Colorado Highway No. 14, thence east along Colorado Highway 14 to a point ten miles east of U.S. Highway No. 85, thence south along a line running parallel with U.S. Highway 85 to a point where it intersects Colorado Highway No. 52, thence directly west along Colorado Highway No. 52 to a point where it intersects with Interstate Highway No. 25, thence north along Interstate Highway No. 25 to a point of beginning, to dumps or other authorized places of disposal in said territory.

RESTRICTION:

This Certificate is restricted against the rendering of any transportation service within the City of Fort Lupton, Colorado.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1968.

ls

(Decision No. 72272)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILLER-WOLF AERO, INC., SUITE 202)
HARRIS BUILDING, 115 EAST VERMIJO) APPLICATION NO. 23373
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO OPERATE AS)
A COMMON CARRIER BY AIRPLANE.)
- - - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
December 6, 1968
- - - - - - - - - -

Appearances: Robert W. Johnson, Esq., Colorado Springs, Colorado, for Applicant;
Royce D. Sickler, Esq., Denver, Colorado, for Rio Grande Western Railroad Company and Rio Grande Motor Way, Inc., Protestants;
John F. Mueller, Esq., Denver, Colorado, for Aspen Airways, Inc., for Copy of Order;
Raymond M. Wilson, Denver, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On August 28, 1968, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by airplane for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of the evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing, Applicant amended its application to provide for the 'transportation of passengers, their baggage and human remains,' whereupon, Protestants withdrew. It should be noted that Atlas Aircraft Corporation, through its attorney, Joseph F. Nigro, filed a Protest to this application; however, no one appeared at the time of hearing for or in behalf of said Protestant nor was any notice, verbal or otherwise, made by said Protestant."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their protest to the granting of the authority as herein sought.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is a Colorado corporation, duly existing and organized under the laws of the State of Colorado.

2. By this application, Applicant seeks a Certificate of Public Convenience and Necessity authorizing the transportation by airplane of passengers, their baggage and human remains, not on schedule, from, to and between all points in the State of Colorado, with a fixed base operation at Peterson Field, Colorado Springs, Colorado.

3. Applicant has duly and properly applied for the authority sought herein, the Protestants withdrew and the application was heard as a non-protested matter.

4. Applicant has sufficient equipment, hangar and maintenance facilities, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

6. The present and future public convenience and necessity requires or will require the authority as hereinafter set forth, restricted, however, as follows:

   (a) To a base of operations at Peterson Field, Colorado Springs, Colorado;

   (b) No office or branch shall be established for the purpose of soliciting or developing business at any place other than Peterson Field, Colorado Springs, Colorado, and a ten-mile radius thereof;

   (c) Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per passenger effective rates of said fixed-route carrier by air so operating on schedule between said points to be non-competitive therewith.

7. Applicant has air taxi authority from the Federal Aviation Agency and is, therefore, authorized by said Agency to render this type of service which they now seek to render intrastate in the State of Colorado.

8. The granting of this application will be in the public interest and the authority, as requested in this application and as restricted, should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and issuing to Miller-Wolf Aero, Inc. a Certificate of Public Convenience and Necessity authorizing operation as a common carrier by airplane with authority as follows:

"Transportation by airplane -- on call and demand -- of

1. Passengers and their baggage, and

2. Human remains

Between all points in the State of Colorado.

RESTRICTIONS:

This Certificate is restricted as follows:

1. To a base of operations at Peterson Field, Colorado Springs, Colorado;

2. No office or branch shall be established for the purpose of soliciting or developing business at any place other than Peterson Field, Colorado Springs, Colorado, and a ten-mile radius thereof;

3. Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per passenger effective rates of said fixed-route carrier by air so operating on schedule between said points to be non-competitive therewith."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Miller-Wolf Aero, Inc., Colorado Springs, Colorado, be, and hereby is, authorized to operate as a common carrier by airplane on call and demand for the following:

Transportation by airplane -- on call and demand -- of

(1) Passengers and their baggage, and

(2) Human remains

Between all points in the State of Colorado.

RESTRICTION:

This Certificate is restricted as follows:

1. To a base of operations at Peterson Field, Colorado Springs, Colorado.

2. That no office or branch shall be established for the purpose of developing or soliciting business at any place other than Peterson Field, Colorado Springs, Colorado, and a 10-mile radius thereof.

3. That all tariffs and rates for the transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per passenger effective rates of said fixed-route carriers by air so operating on schedule between said points, to be non-competitive therewith;

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

Applicant shall file tariffs, rate schedules, rules and regulations

with, and to be approved by, this Commission within thirty (30) days from the date hereof.

The Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1968.
ls

(Decision No. 72273)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS, PARTNERSHIPS, AND/OR PERSONS TO COMPLETE ACTIONS INSTITUTED BEFORE THE COMMISSION FOR AUTHORITY TO OPERATE AS COMMERCIAL CARRIERS BY MOTOR VEHICLE (NOT FOR HIRE) OVER THE PUBLIC HIGHWAYS OF THE STATE OF COLORADO.

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards or the required certificate of insurance -- all of which is required by law and the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Tom Alenxander, dba Alexander Tree Cutting Co.	905 So. Sheridan, Denver, Colo. 80226
Roger Allen, dba Allen Construction Co.	P. O. Box 1551 Grand Junction, Colo. 81501
Aquaslide 'N Dive Corp.	11077 E. Rush St., South El Monte, California 81733
William Guy Atwood, dba Guy Atwood	General Delivery, Brush, Colo.
Thomas Bacon	Box 53, Brush, Colo. 80723
Frank Bessert & Charles J. Corwin	Rt. 3, Box 345, Aurora, Colo. 80010
The Alfred Bloom Co.	1801 S. 54th St., Omaha, Nebr. 68106
Mike Bokan Sealtest Distributor	P. O. Box 87, Lafayette, Colo. 80026
M. Virginia Sutherland & Beverly Fiedler, dba Bonus Distributors	2309 George Washington Blvd. Wichita, Kansas 67218
Paul L. Brown	Rt. 3, Box 130, Alamosa, Colo. 81101
Chemical Associates, Inc.	P.O. Box 2327, Houston, Texas 77001
Harold D. Cox, dba Cortez Neon Signs	1430 E. Main St., Cortex, Colo. 81321
Fayette Mfg. Co., Division of Dayton Steel Foundry Co.	Municipal Airport, Grand Island, Nebraska, 68801
Gene E. Fischer, H. D. McGraw, Donald H. More & Donald W. Mullison dba Foothills Apartments	P. O. Box 506 Fort Collins, Colo. 80521
Willard Foreman	Alton, Iowa 51003
Floyd M. Fredrickson, dba Fredrickson Oil & Tire Co.	Box 43, Franktown, Colo. 80116
Glen M. Gerrard	535 San Juan Drive, Durango, Colo.
W. W. Holman	No. Field Route, Childress, Tex.79201
Edward Lee Hutchins	R.R.1, Trenton, Texas 75490

John L. Dickey, dba John's Place	110 Cleveland Ave., Wellington, Colo. 80549
Cleve Jordan	Pritchett, Colo. 81064
James D. Keigley	Box 78, Gypsum, Colo. 81637
Lyle B. Kemp	1808 W. 12th, Grand Island, Nebr. 68801
The Lange Co., dba Lange	Box 741 Dubuque, Iowa 52001
Bernard D. Laue	Route 4, Kearney, Nebr. 68847
Edward S. Hiss & Carl J. Bollinger, dba Montrose Machine Shop	No. 1st & Grand Montrose, Colo. 81401
Gerald E. Morford	3734 G 4/10 Rd., Box 518 Palisade, Colo. 81526
Charles Morrow & John Trait	Rt. 1, Box 438, Durango, Colo. 81301
Myers Industries, Inc.	224 W. Cerro Gordo St. Decatur, Illinois 62525
Isidora Ortega	P.O.Box 263, Saguache, Colo. 81149
Pauline Manufacturing Co.	Edinburg, Iowa
Lynn W. Pinkerton	Box 171, Firestone, Colo. 80520
Pollock Paper, Division of St. Regis Paper Co.	2236 S. Cockrell St. Dallas, Texas 75215
Quality Meat & Locker Co. Inc.	340 North Ave., Grand Junction, Colo. 81501
Jack & Virginia A.I.Remington	2638 Waldean, Colo. Springs, Colo. 80909
Rent-A-Truck, Inc.	1745 Morrow, Green Bay, Wisc. 54302
Reynolds Mfg. Co., Division of A.J. Industries, Inc., dba Reyco	600 N. Prospect Springfield, Missouri 65802
Rodney P. & Elmer Roderick, dba Roderick & Son Construction	Route 1, Box 195 Rifle, Colorado 81650
Edward G. Roybal, dba Ed Roybal Trucking	P.O.Box 5, Blanca, Colo. 81123
Gordon G. Sheplor, dba Sheplor Construction Co.	P.O.Box HH, Center, Colo. 81125
Silver-Line Inc.	2300 - 12th Ave. South Moorhead, Minnesota 56560
Leon Henderson, dba Sine Lumber Co.	P.O.Box 10272, Albuquerque, N.M. 87114
Frank Slentz, dba Slentz Produce	P.O.Box 20, Caruthersville, Mo. 63830
Leon C. Smitherman, dba L.C.Smitherman Oil Field Equip.Co.	260 Denver Club Bldg., Denver 80202

Star Studs, Inc.	Box 517, Afton, Wyo. 83110
Stark Enterprises, Inc.	32 Friendship Lane, Colo.Spgs., Colo. 80904
Lee E. Stubblefield	Box 38, Larkspur, Colo. 80118
Jesse D. Pettis, dba T. G. Sales Co.	849 S. Corona St., Denver, Colo. 80209
Verle E. Titus	530 S. 30th, Colo. Springs, Colo. 80900
Tomahawk Packing & Storage Co.	Cedaredge, Colo. 81413
Edwin Collett Vare	P.O. Box 1727, Aspen, Colo. 81611

This Order shall become effective ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.
ls

(Decision No. 72274)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHRISTOPHER L. DODY)
5390 JULIAN STREET) PERMIT NO. M-1957
DENVER, COLORADO 80221)
)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 25, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72275)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
TOMMY OWENS, DOING BUSINESS AS)
"TOMMY OWENS PRODUCE,") PERMIT NO. M-6383
BOX 572)
SPRINGDALE, ARKANSAS 72764)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 4, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.
gf

(Decision No. 72276)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SCHWARTZ CARBONIC COMPANY)
P. O. BOX 9737) PERMIT NO. M-11839
EL PASO, TEXAS 79987)
)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 26, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.
gf

(Decision No. 72277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
AL F. KREUTZER)
2140 SOUTH PLATTE RIVER ROAD) PERMIT NO. M-11860
DENVER, COLORADO 80223)
)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 2, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72278)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF GROVER L. TURNER, DOING BUSINESS AS "IVA'S DAY OLD," 15751 EAST COLFAX, AURORA, COLORADO 80010

PERMIT NO. M-12156

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 24, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT DYER)
BAGGS ROUTE) PERMIT NO. M-13772
CRAIG, COLORADO 81626)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 18, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72280)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GERALD C. MEERS)
5420 VANCE) PERMIT NO. B-4302
ARVADA, COLORADO 80002)
)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 28, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72281)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LEONARD A. HAWKINS)
FRUITA, COLORADO 81521) PERMIT NO. B-4683
)
)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 4, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72282)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
TOMMY OWENS PRODUCE)
BOX 572) PUC NO. 5468-I
SPRINGDALE, ARKANSAS 72764)
)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 4, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72283)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
A. F. HENNIGH)
913 MAIN) PUC NO. 2599-I
LONGMONT, COLORADO 80501)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 4, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72284)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN FOX)
1452 BENTON) PERMIT NO. B-2627
DENVER, COLORADO 80215)
)
)
- -

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from November 3, 1968, to and including May 3, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968

gf

(Decision No.72285)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EDWARD SCHNORR, DOING BUSINESS AS)
"IDEAL DISPOSAL CO.")
4700 NEWLAND)
WHEATRIDGE, COLORADO 80033)
)

PERMIT NO. B-6033
SUPPLEMENTAL ORDER

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of November 27, 1968..

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72286)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RUBEN GRAFF)
4220 PIERCE) PUC NO. 3051
WHEATRIDGE, COLORADO 80033) SUPPLEMENTAL ORDER
)
)
- -

- - - - - - - - - - -

December 9, 1968

- - - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of November 27, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72287)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HENRY GRAFF)
4425 QUAY STREET) PUC NO. 3260
WHEATRIDGE, COLORADO 80033) SUPPLEMENTAL ORDER
)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of November 27, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.
gf

(Decision No.72288)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
VICTOR GRAFF)
4425 QUAY STREET) PUC NO. 3261
WHEATRIDGE, COLORADO 80033) SUPPLEMENTAL ORDER
)
)

- -

- - - - - - - - - - -

December 9, 1968

- - - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of November 27, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72289)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EDWARD SCHNORR, DOING BUSINESS AS)
"IDEAL DISPOSAL CO.," 4740 NEWLAND)
WHEATRIDGE, COLORADO 80033)
)
)

PUC NO. 3318
SUPPLEMENTAL ORDER

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of November 27, 1968..

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72290)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT SCHNORR)
4740 NEWLAND) PUC NO. 3878
WHEATRIDGE, COLORADO 80033) SUPPLEMENTAL ORDER
)
)

December 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of November 27, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

gf

(Decision No. 72291)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF NORTHWEST WATER CORPORATION, A CORPORATION, TO SURRENDER ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 23516

December 9, 1968

STATEMENT

BY THE COMMISSION:

The above entitled application was filed with this Commission by Northwest Water Corporation on December 4, 1968, and by said application Applicant seeks to surrender to the Commission the certificates of public convenience and necessity heretofore issued to Applicant to render water service.

In its application to the Commission, Applicant states that on or about July 8, 1968 it did sell, transfer and assign to THE SHAW HEIGHTS WATER DISTRICT facilities within its certificated area heretofore used for the purpose of producing and distributing water, pursuant to rates and charges authorized by this Commission. That since that date, the Applicant has not supplied water within its certificated area; that the aforesaid Water District has been, and will continue to provide water service to any and all users within its boundaries as required by law. Said Shaw Heights Water District boundaries encompass Applicant's certificated area. That Applicant, having no users within its certificated area, discontinued service. No need exists for the Applicant's Certificate of Public Convenience and Necessity to be continued.

In view of the Supreme Court ruling in The City of Thornton, Colorado vs. Public Utilities Commission, et al 157 Colo. 188, we believe the instant application should be granted and that no hearing is necessary in the matter. In the case referred to, the Supreme Court has said:

"Thornton is given complete power to purchase and operate such facilities without a certificate of public convenience and necessity. Northwest still has its certificates and has not assigned them or sold them, and in its application before the Commission seeks only to surrender them. Under the circumstances disclosed herein the Commission has no discretion but to accept the surrender and to cancel the certificates."

(The Northwest referred to in the Supreme Court Decision was the Northwest Utilities Company and not the Applicant herein.)

F I N D I N G S

THE COMMISSION FINDS:

That the application of Northwest Water Corporation to surrender the Certificates of Public Convenience and Necessity issued by this Commission should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Certificates of Public Convenience and Necessity heretofore granted by this Commission to Northwest Water Corporation be, and hereby are, cancelled.

That this Order shall become effective twenty-one (21) days from date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.
ls

(Decision No. 72292)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAL N. JACOBS, STEAMBOAT SPRINGS,) APPLICATION NO. 23148-PP-Extension
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-7143.)

December 9, 1968

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 23, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. B-7143.

After due and proper notice, the application was called for hearing -- by Commission Examiner William D. Mitchell -- at the time and place set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such Notice, failed to appear in person or by representative.

The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein instant application be dismissed for failure to prosecute.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23148-PP-Extension be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1968.

ls

(Decision No. 72293)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: FREIGHT, ALL KINDS, FROM THE TRANSPORTING CARRIERS OWN PUBLIC WAREHOUSES TO TERMINALS OR DOCKS OF OVER-THE-ROAD FOR-HIRE CARRIERS	)	INVESTIGATION AND SUSPENSION Docket No. 615

December 10, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 21, 1968, the Commission entered Decision No. 71751, setting the above-entitled matter for hearing on November 20, 1968. Upon request of the Respondent's attorney, Joseph F. Nigro, the Commission reset the matter for hearing on January 14, 1969. The Order suspending said matter deferred its operation until December 18, 1968, unless otherwise ordered by the Commission.

The Commission, on its own motion, will further suspend the operation of the rates and charges as set forth in Decision No. 71751, dated August 21, 1968, for an additional 90 days, or until March 18, 1969.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings be, and they are hereby, made a part hereof.

2. That the operation of said schedule, as set forth in Decision No. 71751, dated August 21, 1968, be, and it is hereby, further suspended and the use thereof deferred to and including March 18, 1969, unless otherwise ordered by the Commission.

3. That a copy of this Order shall be filed with the schedule in the office of the Commission, and a copy hereof be served upon

J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver, Colorado 80216, and that the necessary suspension supplement shall be issued to Local Cartage Tariff No. 15, Colorado PUC No. 13.

4. That, except as herein amended, said Decision No. 71751 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
10th day of December, 1968. av

(Decision No. 72294)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SALIDA GAS SERVICE COMPANY, A COLORADO CORPORATION, 1448 F STREET, SALIDA, COLORADO, FOR AN ORDER AUTHORIZING IT TO FILE AND PLACE IN EFFECT NEW AND REVISED SCHEDULE OF RATES FOR THE SALE OF NATURAL GAS IN SALIDA, PONCHA SPRINGS AND NATHROP, COLORADO.

APPLICATION NO. 23302

December 11, 1968

Appearances: Robert P. Rush, Esq., Salida, Colorado, for Salida Gas Service Company; Harry A. Galligan, Jr., Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Salida Gas Service Company for an order authorizing an increase in the natural gas rates of that company in the areas of Salida, Poncha Springs and Nathrop, Colorado.

The matter was initially set for hearing on Thursday, September 26, 1968, in the Auditorium at 124 E Street, Salida, Colorado. On September 25, 1968, Applicant requested a continuance of this hearing, which continuance was granted by this Commission. The matter was reset for hearing, after proper notice to all parties, for Wednesday, November 27, 1968, at 10 o'clock A.M. in the Auditorium at 124 E Street, Salida, Colorado.

No petitions of intervention were filed prior to the hearing, and no one appeared at the hearing in opposition to the application. Testifying relative to the general financial condition of Applicant was Mr. Frank M. Chelf, Jr., president, whose business address is 1448 F Street, Salida, Colorado. Mr. Chelf testified that natural gas was initially introduced in the Salida, Poncha Springs and Nathrop areas in the fall of

1962. Since that time Applicant has served natural gas in these areas at the initial rate approved by this Commission. He further testified that Applicant believes the rate of return since that time to be approximately three to four percent, but that an exact calculation could not previously be determined because of an accounting co-mingling of the natural gas plant with the non-utility plant of the Company. During the past year Applicant has gone over all of its accounts for the purpose of separating the utility from the non-utility plant.

For the purpose of this application, Applicant selected 1967 as the test year for the determination of the existing rate of return. Mr. Chelf testified that the rate of return is 3.73% on an adjusted rate base of $305,608. He further testified that an increase in gross utility operating income of $17,000 will result in a net increase to the Applicant of $11,256.

Mr. Chelf introduced Exhibit A for the purpose of reflecting the increased cost of gas service to various sizes of customers if the proposed rates are applied. The maximum increase to a customer has been calculated by the witness to be $1.46 per month. Exhibit A also includes the estimated annual cost saving between natural gas under the rates proposed by Applicant and the cost of LP gas service.

Mr. Chelf, on page 6 of Exhibit A, presented the proposed rates for residential gas service for the towns of Salida, Poncha Springs and Nathrop. The rate proposed is as follows:

MONTHLY RATE

First 600 cubic feet or less used	$2.00
Next 1,400 cubic feet used, per 100 cu. ft.	.130
Next 3,000 cubic feet used, per 100 cu. ft.	.108
Next 5,000 cubic feet used, per 100 cu. ft.	.080
Next 15,000 cubic feet used, per 100 cu. ft.	.075
Over 25,000 cubic feet used, per 100 cu. ft.	.070

MONTHLY MINIMUM - $2.00

Also, set forth on page 7 of Exhibit A is the rate proposed for commercial customers in the same areas. This rate is as follows:

MONTHLY RATE

First	600 cubic feet or less used	$2.00
Next	1,400 cubic feet used, per 100 cu. ft.	.130
Next	3,000 cubic feet used, per 100 cu. ft.	.108
Next	5,000 cubic feet used, per 100 cu. ft.	.080
Next	15,000 cubic feet used, per 100 cu. ft.	.078
Over	25,000 cubic feet used, per 100 cu. ft.	.075

MONTHLY MINIMUM - $2.00

Mr. Chelf testified that these rates will increase gross revenues approximately $17,650.

Applicant's next witness was Mr. Steven A. Winter, a Certified Public Accountant, who testified on the accounting aspects of this application. Mr. Winter testified that he has been responsible for the updating of the accounting records of Applicant over the past several years, and that the allocations made to utility and non-utility plant were done by him after consultation with the Commission's staff. Page 1 of Exhibit B, sponsored by Mr. Winter, shows the utility income, adjusted and pro forma, which would result in an additional $17,000 gross revenue. Other pages of Exhibit B reflect revenue adjustments occurring from the elimination of the non-utility expenses incurred by Applicant as well as other in-period adjustments. On Pages 8 and 9 of Exhibit B, Mr. Winter summarized his allocations and adjustments arriving at a net rate base of $305,608. Page 10 of Exhibit B reflects a composite cost of debt of Applicant of 6.49% while the rate on common equity is 8.54%.

Applicant proposes that the above rates for residential and commercial service be effective for all gas sold after the December 1968 meter readings.

Mr. Chelf testified at the hearing that each customer had been notified of the date of the original hearing on September 26, 1968, and had been further notified of the continuance of that date and the date upon which this hearing was heard of November 27, 1968, both notifications

being held by notice enclosed with bills. He also testified that there have been several articles published in the local newspapers.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be made a part hereof by reference.

That the Commission has jurisdiction over Applicant and over the revised rates and tariffs.

That the proposed revised rates and tariffs of Applicant, as set forth in Applicant's Exhibit A, should be permitted to become effective for all gas sold subsequent to Applicant's December, 1968, meter readings.

That the proposed revised rates and tariffs have been adequately brought to the attention of its affected customers, by virtue of notices mailed to the individual customers and by various newspaper articles.

O R D E R

THE COMMISSION ORDERS:

That the proposed revised rates and tariffs of Salida Gas Service Company, Colorado PUC No. 2, Residential Service and Commercial Service, as more particularly described in the Statement hereof, reflecting an increase in gross revenue of approximately $17,000, are hereby permitted to become effective for all gas service in the towns of Salida, Poncha Springs and Nathrop, Colorado, subsequent to the December, 1968, meter readings.

That revised Tariff sheets reflecting the changes authorized herein shall be filed on not less than one day's notice to the public and this Commission.

That Salida Gas Service Company within 90 days of the date of this Decision shall file with this Commission the journal entries setting forth the separation of utility and non-utility plant and the separation of accumulated provisions for depreciation and amortization and the adjusted balance sheet reflecting such entries as of December 31, 1967.

That Salida Gas Service Company shall maintain its accounts in accordance with the Uniform System of Accounts for Gas Utilities as prescribed by this Commission.

That the Commission retain jurisdiction in this matter to make such further order or orders as may be necessary in the premises.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of December, 1968.
ls

(Decision No. 72295)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
McMillan Sales Corp.)
2165 So. Kalamath Street)
Denver, Colorado 80223)
)
)
)

AUTHORITY NO. M-11803

CASE NO. 3811-M-Ins.

December 12, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
12th day of December 1968.

(Decision No. 72296)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CENTRAL TELEPHONE & UTILITIES CORPORATION, A CORPORATION, FOR AUTHORITY TO ISSUE UP TO 158,014 SHARES OF ITS COMMON STOCK OF THE PAR VALUE OF $2.50 PER SHARE.	)	APPLICATION NO. 23488-Securities

December 12, 1968

Appearances: Harry S. Petersen, Esq., Pueblo, Colorado, and Melvin A. Hardies, Esq., Chicago, Illinois, for Applicant; Christian O. Igenbergs, Esq., Denver, Colorado, for the Staff and M. Raymond Garrison, Denver, Colorado, of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Central Telephone & Utilities Corporation (Applicant) filed Application No. 23488-Securities with this Commission on November 15, 1968. By such application, Applicant seeks authority of this Commission to issue up to 158,014 shares of its common stock of the par value of $2.50 per share. Said application was set for hearing after due notice to all interested parties, in compliance with the statutes of the State of Colorado and the rules and regulations of this Commission, at 9:00 o'clock A.M. on Friday, December 6, 1968, in Room 507, Columbine Building, Denver, Colorado and was then and there heard by the Commission and taken under advisement. No petitions were filed in opposition to the application, and no one appeared at the hearing opposing the authority sought by the application.

Applicant is a Kansas corporation. A certified copy of its authorization by the Secretary of State of Colorado to do business in the State of Colorado as a foreign corporation is on file with the Commission. Its principal office in Colorado is at 115 West Second Street, Pueblo,

Colorado; its general offices are at 233 South 10th Street, Lincoln, Nebraska 68508.

Applicant is engaged in the business of owning and operating electric utility properties in Colorado in the counties of Pueblo, Fremont, Teller, Custer, Otero, Crowley and El Paso and other utility properties in Kansas, Nebraska and South Dakota. Applicant also owns a majority of the common stock of Central Telephone Company and Lee Telephone Company. Central Telephone Company, in turn, owns a majority of the common stock of Central Telephone Company of Illinois, LaCrosse Telephone Corporation, Southeastern Telephone Company, Virginia Telephone & Telegraph Company, and Western Telephone Company. These subsidiaries are all engaged in the business of providing telephone service in various parts of the States of Nevada, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Virginia, North Carolina and Florida.

The Applicant's witness testified in summary as follows: Subject to the authorization of this Commission and the Kansas Corporation Commission, Applicant's Board of Directors has declared a dividend upon the common stock of the Applicant payable in common stock of the Applicant December 20, 1968, at the rate of one share for each 100 shares to holders of record at November 12, 1968. The number of common shares outstanding at September 30, 1968, was 14,860,069 and the number of shares then reserved for issuance upon conversions of convertible debt securities and exercises of stock options outstanding and exercisable on or before November 12, 1968, was 787,265. After September 30, 1968 and prior to November 12, 1968, Applicant issued 154,464 shares in the exchange transaction authorized by the Commission in Decision No. 71774. On this basis it is calculated that the dividend shares which may be issuable can not exceed 158,014. Only full shares will be issued; fractional shares will be paid for in cash based upon the closing price for common stock of the Applicant (ex dividend) on the New York Stock Exchange on November 12, 1968.

The value ($29.75 per share, based on the closing price for common stock of the Applicant on the New York Stock Exchange on November 12, 1968) of the full dividend shares issued (and the amount of cash paid in lieu of fractional shares) will be charged to the Applicant's retained earnings. The par value ($2.50) of each share issued will be credited to common stock capital and the balance of the value of such share will be credited to premium on common stock account. The Applicant has adequate retained earnings for this purpose. The Applicant has more than 158,014 authorized and unissued shares of common stock available for issuance in discharge of the stock dividend.

The issuance of the stock dividend of common stock will not affect or change the existing ratios of the capital structure of Applicant Company. Said capital structure at the present time on a consolidated basis consists of approximately 31.6% common equity, 14.0% preferred stock and 54.4% long-term debt.

The Applicant's witness further stated that Applicant has expended for construction, extension and improvement of its facilities out of its retained earnings an amount in excess of the aggregate of the amounts to be transferred tocommon stock capital and premium on common stock account in connection with the issuance of the dividend shares; that the dividend shares, when issued, will be fully paid and non-assessable; that the dividend shares, not being a sale of securities, are not required to be registered under the Federal Securities Act; and that an application for their listing on the New York Stock Exchange, upon notice of issuance, has been filed. Applicant's witness further testified that the issuance of stock instead of payment of cash in an equivalent amount is expected to conserve approximately $4,000,000 of cash.

The expense for the proposed stock dividend is expected to be not more than five thousand dollars ($5,000) and consists of attorney's fees, transfer agent's charges and miscellaneous costs.

Applicant's Exhibit A, a consolidated balance sheet, and Exhibit B, a consolidated statement of income, both as of September 30, 1968, were offered and received in evidence.

F I N D I N G S

THE COMMISSION FINDS:

That Central Telephone & Utilities Corporation is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

That this Commission has jurisdiction of said Company and of the subject matter of the application herein.

That the Commission is fully advised in the premises.

That the foregoing Statement be, and it hereby is, adopted as part of the Findings herein.

That the proposed issue by Central Telephone & Utilities Corporation of up to 158,014 shares of its common stock of the par value of $2.50 per share for the purposes and on the terms hereinabove described is not inconsistent with the public interest; that such issue is permitted by law and is consistent with the provisions of Chapter 115-1-4, Colorado Revised Statutes, 1963; and that the order sought should be issued and be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That the issue by Central Telephone & Utilities Corporation of up to 158,014 shares of its common stock of the par value of $2.50 per share for the purposes and on the terms hereinabove described be, and it hereby is, authorized and approved.

That the securities issued hereunder shall bear on the face thereof for proper and easy identification thereof a legend as follows:

C.P.U.C. Identification No. 20828

That within ninety (90) days after the final delivery of the shares of common stock to be issued as a dividend, Applicant shall file

with the Commission a verified report showing the issue of such securities and the costs and expenses incurred by the Applicant incident to such issue and the journal entries reflecting such transactions on the books of Central Telephone & Utilities Corporation.

That nothing herein shall be construed to imply any recommendation or guarantee of or any obligation with respect to said issue of the aforementioned securities on the part of the State of Colorado.

That this Commission retain jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as it may deem to be proper and desirable.

That the authority herein granted shall be exercisable from and after this date, this Order being made effective forthwith; however, the authorization hereby granted shall expire if and to the extent that it has not been exercised by March 1, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

HENRY E. ZARLENGO

HOWARD S. BUELLAND

EDWIN R. LUNDBORG

Commissioners

Dated at Denver, Colorado,
this 12th day of December, 1968.

ls

(Decision No. 72297)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE DEPARTMENT OF HIGHWAYS OF THE STATE OF COLORADO FOR AUTHORITY TO REPLACE EXISTING GRADE CROSSING PROTECTION DEVICES WITH AUTOMATIC FLASHING LIGHT HIGHWAY CROSSING SIGNALS, SUPPLEMENTED WITH SHORT-ARM GATES AND TO RECONSTRUCT EXISTING GRADE CROSSINGS OF UNION PACIFIC RAILROAD COMPANY'S TRACK BETWEEN FORT MORGAN AND STERLING, COLORADO, RAILROAD MILEPOST 64 PLUS 645 IN ATWOOD, LOGAN COUNTY, COLORADO.

APPLICATION NO. 23280

December 13, 1968

STATEMENT

BY THE COMMISSION:

On July 11, 1968, The Department of Highways of the State of Colorado (Department) filed its application in accordance with the rules of this Commission, seeking approval for installation of automatic flashing light signals and gates at the highway-railroad grade crossing as noted above.

Other explanatory material as submitted with the instant application includes:

Exhibit A: Copy of portion of Department of Highways map drawing to show location and profile of State Highway No. 63 grade crossing over Union Pacific trackage at Railroad Mile Post 64 + 645 feet near Atwood, Logan County, Colorado.

With reference to the instant application and other investigation data of the Commission, it appears that Colorado Highway No. 63 is a north-south arterial in the nature of a Farm to Market Route connecting with U.S. Highway No. 6 near Atwood and which then extends southward some 27 miles to Akron, Colorado and U.S. Highway No. 34; thence for an additional 29 miles south to Anton and U.S. Highway No. 36. Also located at some

three miles to the south from Atwood is the new Interstate Highway Route 80-S which is gradually being completed from Denver via Fort Morgan and south of Julesburg into Nebraska.

At the instant crossing Colorado No. 63 is asphalt paved at 24 feet wide; with new timber rail crossings 39 feet long on the Main line and Siding track, all being placed in connection with the new signals.

In the past years there has been largely local use of Colorado No. 63 to utilize the Atwood livestock loading yards of Union Pacific Railroad and for travel into Sterling at seven miles to the north as a main trading center of the region. With the movement of through trains on the main line track; the related switching operations on the parallel siding track, and limited visibility to the south; there has been a protection installation at the highway grade crossing consisting of standard crossbuck signs and Wig-wag flashers.

Traffic volume map of 1965 shows some 400 vehicles per day in the crossing area for the 1964 Annual average; whereas present vehicular traffic on Highway No. 63 now amounts to approximately 1400 vehicles per day at this crossing. Observation of the traffic movements shows active use of the crossing and State Highway No. 63 as a connecting link for both local and transient traffic to utilize the new I-80S Highway at three miles to the south. Allowable vehicular speed at the crossing area is 35 miles per hour.

Rail traffic consists of switching movements on a seasonal basis for fertilizer and sugar beet traffic; there are two streamliner passenger trains and six freight trains daily; permitted speeds are 50 to 79 miles per hour. Proposed installation of automatic flasher signals supplemented with short arm gates will replace the existing Wig-wag and crossbuck units. The Department of Highways and Union Pacific Railroad Company have completed preliminary agreement for installation of flashing light signals and gates to protect both tracks at the crossing. Estimated cost of proposed work is $22,300.

According to the Agreement, dated June 27, 1968, between Department of Highways and Union Pacific Railroad Company, it is provided that the railroad will be reimbursed for ninety percent (90%) of all expenses incurred incidental to removal of existing grade crossing protective devices and their replacement with the new protective devices, together with the reconstruction of the two grade crossings; and to be paid in accordance with the current Federal and State rules and regulations applicable thereto. The Union Pacific Railroad Company is participating to the extent of ten percent (10%) of the improvement cost. Maintenance, repair and operation of the protection devices and maintenance and repair of the said crossings shall remain the responsibility of the Union Pacific Railroad Company. Said Agreement is now in process of final validation between interested parties and when fully completed will be submitted to the Commission by Department of Highways as a Late-filed Exhibit.

In further review of the proposal, the Commission forwarded a copy of the application to interested parties, including also the Board of Logan County Commissioners, to ascertain if any other action was desirable. No adverse reply has been received by the Commission.

After consideration of the instant matter, it is the belief of the Commission that effectiveness of automatic signal protection is accepted by the utility and the public agencies affected herein. It appears the crossing improvements and proposed upgrading of the crossing protection are justified by the new and increased volume of traffic which can be expected to continue due to advantages and convenience of the new I-80S Highway. The addition of gates will provide a positive means of motorist control at the double tracks and the installation of flashers will offer a more effective warning aspect than the Wig-wag units. Hence, installation of the safety devices as requested herein will be in the public interest and protect traffic on both the highway and the railroad.

It is therefore the belief of the Commission that the proposed crossing work and signal installation is compatible with the public interest; and the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience and necessity require the crossing reconstruction and replacement of existing grade crossing protection devices by and through the installation and approval of flashing light signals, supplemented with short-arm gates and a bell, at the grade crossing of State Highway No. 63 over Union Pacific Nebraska Division Main line and Siding track at Mile Post 64 plus 645 feet, near Atwood in Logan County, Colorado.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a Certificate of Public Convenience and Necessity to authorize and approve the following:

1. Installation, operation and maintenance of flashing light signals supplemented with short-arm gates and a bell at the crossing of State Highway No. 63 over Union Pacific Nebraska Division Main line and Siding track at Mile Post 64 plus 645 feet;
2. Removal of existing Wig-wag signal devices at above crossing;
3. Reconstruction of existing crossings for improved grade and surface.

all as located near Atwood, Logan County, Colorado.

That the work to be done, costs, installation and maintenance of the protection devices, shall be as indicated in the preceding Statement and Agreement. Said Statement, Agreement, as a Late-filed Exhibit, and the Location Exhibit herein, are by reference made a part hereof.

That the signal devices and installation shall all be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.
gf

(Decision No. 72298)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE EAGLE VALLEY TELEPHONE COMPANY, A COLORADO CORPORATION, P. O. BOX 1, EAGLE, COLORADO, FOR AN ORDER GRANTING TO IT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ENLARGE ITS EXISTING AREA TO RENDER TELEPHONE SERVICE IN FREMONT COUNTY, STATE OF COLORADO.	APPLICATION NO. 23437

December 13, 1968

Appearances: N. D. Morgan, Eagle, Colorado, for Eagle Valley Telephone Company;
T. M. Leddingham, Esq., Denver, Colorado, for Mountain States Telephone and Telegraph Company;
Paul M. Brown, Denver, Colorado, of the Staff of the Commission.

STATEMENT

BY THE COMMISSION:

This is an application for an extension of the certificate of public convenience and necessity of The Eagle Valley Telephone Company (Eagle Valley or Applicant) for its Howard and Cotopaxi Exchanges.

The above-entitled captioned application was initially set for hearing on Monday, November 25, 1968, at 10 o'clock A.M. in the hearing room of the Commission; however, on November 18, 1968, the same was duly vacated and reset for hearing before the Commission on Monday, December 2, 1968, at 10 o'clock A.M. in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

At the above stated time and place the instant application was heard and, at the conclusion thereof, the same was taken under advisement.

A protest to the application was filed on November 22, 1968, by Mountain States Telephone and Telegraph Company (Mountain States) alleging that a portion of Mountain States filed boundaries for the Canon City

Exchange and Westcliffe Exchange covered the area of the requested extension and that it was ready, willing and able to furnish service as requested.

At the commencement of the hearing, Mountain States withdrew its protest, as above indicated, and, in lieu thereof, entered an appearance as its interest may appear. No one appeared at the hearing to protest the granting of the application as sought. Mountain States stipulated, in the withdrawal of its protest, that it would offer no objection to the Commission certificating to The Eagle Valley Telephone Company the extended area as herein sought in order to serve the potential subscribers located within the area of the extension.

N. D. Morgan of Eagle, Colorado, General Manager of The Eagle Valley Telephone Company, appeared and testified with respect to the extension sought herein. He identified the following exhibits which, during the course of the hearing, were received into evidence.

Exhibit A - Metes and bounds description of the existing boundary of the Howard and Cotopaxi Exchanges.

Exhibit B - Metes and bounds description of the extended area sought to be included in its certificate of public convenience and necessity.

Exhibit B-1 - Map showing the boundaries of the area sought.

Exhibit B-2 - Map showing the location of the potential customers in the extended area sought.

Exhibit B-3 - List of the customers keyed to their locations as shown on the map, Exhibit B-2.

Exhibit C - Metes and bounds description of the boundaries of the Howard and Cotopaxi Exchanges as it would exist after including the extended territory sought herein.

Exhibit C-1 - Boundary map of the Howard and Cotopaxi exchanges including the area of extension sought herein.

Exhibit D - List of the potential customers subscribing to telephone service.

Exhibit D-1 - Estimate of the cost to extend the telephone facilities and the rates to be applied including the anticipated annual revenue.

Exhibit E - Balance sheet of Eagle Valley as of June 30, 1968.

Applicant requested permission to correct Exhibits A and C, being the metes and bounds descriptions of the boundaries, by interlineation after verification by Applicant and Staff. Pursuant to motion duly made, permission was granted to make the requested corrections by interlineation.

Mountain States agreed to revise the boundaries of their adjacent Westcliffe and Canon City Exchanges so as to be coincident with the extended boundary of Eagle Valley as sought herein.

No contributions in aid of construction are required of the subscribers and the rates, as set forth on Exhibit D-1, will be applicable to the service to be rendered.

Applicant estimated it would probably be around the first of August, 1969 before construction would be completed and service initiated.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is made a part of these Findings by reference.

That it has jurisdiction of The Eagle Valley Telephone Company and of the subject matter herein.

That it has jurisdiction of the Mountain States Telephone and Telegraph Company, with respect to its intrastate operation and it is a public utility supplying communication services.

That the public convenience and necessity require, and will require, The Eagle Valley Telephone Company to extend its service area and to supply telephone service to the applicants within the extended area included in the metes and bounds description of the revised boundary of the Howard and Cotopaxi Exchanges in the order to follow.

That the Applicant is qualified financially and by experience to render the telephone service sought to be furnished herein.

That a certificate of public convenience and necessity should be granted therefor.

O R D E R

THE COMMISSION ORDERS:

That a Certificate of Public Convenience and Necessity be, and hereby is, granted to The Eagle Valley Telephone Company to supply telephone and communication service in the area as follows:

> Beginning at the northwest corner of Section 5, Township 51-North, Range 10-East; thence east 15 miles along the north line of Fremont County to the northeast corner of Section 3, Township 51-North, Range 12-East; thence south approximately 17 miles to the southeast corner of Section 34, Township 49-North, Range 12-East; thence west approximately 3/4 mile along the south line of said Section 34; thence south 2 miles to the southeast corner Section 9, Township 48-North, Range 12-East; thence west 2 miles to the northwest corner Section 17, Township 48-North, Range 12-East, New Mexico Principal Meridian; thence south 4 miles to the southwest corner Section 32, Township 48-North, Range 12-East, New Mexico Principal Meridian; thence east approximately 4½ miles to the southwest corner of the northwest ¼ of the northwest ¼ of Section 31, Township 19-South, Range 73-West, 6 P.M.; thence north approximately ¼ mile to the northwest corner of said Section 31; thence east 1 mile to the northeast corner said Section 31; thence east seven miles to a point one mile north of Northeast corner of Section 5, Township 20-South, Range 72-West; thence south six miles to the southeast corner of Section 29, Township 20-South, Range 72-West; thence west eight miles to northwest corner of Section 31; thence south approximately ½ mile to the northeast corner of Section 1, Range 12-East, Township 46-North; thence west approximately 4 miles to the northwest corner Section 4, Township 46-North, Range 12-East, New Mexico Principal Meridian; thence south 2 miles to the southeast corner Section 8, Township 46-North, Range 12-East, New Mexico Principal Meridian; thence west approximately 6 miles to the intersection of the common county line between Custer and Saguache Counties with the south line of Section 9, Township 46-North, Range 11-East, New Mexico Principal Meridian; thence northwesterly along said common county line and along the Saguache-Fremont common county line to the intersection of said county line with the south line of Section 16, Township 47-North, Range 10-East, New Mexico Principal Meridian; thence west 4 miles approximately to the southwest corner Section 13, Township 47-North, Range 9-East, New Mexico Principal Meridian; thence north approximately 9 miles to the northwest corner Section 1, Township 48-North, Range 9-East, New Mexico Principal Meridian; thence east approximately 3 miles to the southeast corner of Section 32, Township 49-North, Range 10-East, New Mexico Principal Meridian; thence North 3 miles to the southeast corner Section 17, Township 49-North, Range 10-East, New Mexico Principal Meridian; thence west 1 mile to the southwest corner said Section 17; thence North approximately 15 miles to the point of Beginning.

That the Applicant shall file revised tariff sheets reflecting the revised Howard-Cotopaxi Exchange boundary and also the rates to be applied in the extended area on not less than thirty days notice to this Commission in advance of the date of which it is anticipated telephone service will be begun.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.

gf

(Decision No. 72299)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER CHAPTER 115-9-4 (2), CRS 1963, FOR THE TEMPORARY OR SEASONAL MOVEMENT OF LATE ONIONS.

APPLICATION NO. 23517
EMERGENCY DISTRICT 15-68

December 12, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Supervising Transportation Representative, Enforcement Division of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of late onions in the Counties of Adams, Baca, Bent, Delta, Mesa, Montrose, Morgan, Pueblo, and Weld, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting late onions in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of late onions in the Counties of Adams, Baca, Bent, Delta, Mesa, Montrose, Morgan, Pueblo, and Weld, Colorado, and that the present or future public convenience and necessity requires or will require, the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided by Chapter 115, Article 9, Section 4(2), CRS 1963, and as set forth in the Order following:

O R D E R

THE COMMISSION ORDERS:

That temporary certificates, be, and hereby are authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting late onions in only the Counties of Adams, Baca, Bent, Delta, Mesa, Montrose, Morgan, Pueblo, and Weld, state of Colorado; provided however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing December 9, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of December, 1968.

ls

(Decision No. 72300)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARION A. JONES AND LYDIA V. JONES, DOING BUSINESS AS "JONES PAPER SALVAGE," 415 SYCAMORE STREET, FORT COLLINS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 23441

December 12, 1968

Appearances: John P. Thompson, Esq., Denver, Colorado, for Applicant;
William A. Wilson, Esq., Denver, Colorado, for Wayne R. Bridwell, doing business as "Bridwell Trash Hauling Service," Eddie Gallegos, doing business as "G & S Sanitation Service," Richard Mondragon, doing business as "Dick's Trash Hauling Service," Rick's Hauling Service, Inc., and D & G Sanitation, Inc., Protestants;
Dalton O. Ford, Denver, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 7, 1968, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants are husband and wife who propose to operate the authority applied for as partners. They presently have no authority except an "M" Permit.

2. Applicants own and operate a paper baling business in the City of Fort Collins and in the operation of this business, they gather paper and cardboard primarily from business concerns (picking it up free of charge) and then hauling to their place of business for processing. Their only purpose in obtaining a certificate would be to enable them to make a charge for picking up the waste paper and cardboard.

3. It would not be feasible to separate waste paper and cardboard from other ash and trash and to do so would serve no useful purpose.

4. By this application, Applicants seek a Certificate of Public Convenience and Necessity to transport waste paper and waste cardboard:

   a. Between points in Fort Collins, Colorado, and

   b. Between Fort Collins, Colorado, on the one hand, and, on the other hand,

      1. points in Larimer and Weld Counties and that portion of Boulder County which lies within five miles of Longmont, and

      2. Denver, Colorado.

5. The application was protested by:

   a. Wayne R. Bridwell, doing business as Wayne R. Bridwell, PUC No. 3721;

   b. Eddie Gallegos, doing business as G & S Sanitation Service, PUC No. 4438;

   c. Richard Mondragon, doing business as Dick's Trash Hauling Service, PUC No. 3746;

d. Rick's Hauling Service, Inc., PUC No. 3707;

e. D & G Sanitation, Inc., PUC No. 5257.

6. There was no showing whatsoever that the existing service furnished by Protestants was inadequate.

7. Protestants presently render a transportation service which is entirely suitable and adequate in the area which Applicants propose to serve except between Fort Collins and Denver, Colorado.

8. Applicants failed to show that the public convenience and necessity requires or will require the service applied for including transportation of waste paper and waste cardboard between Fort Collins and Denver, Colorado.

9. To grant the authority would serve no useful and public purpose.

10. The granting of the application would not be in the public interest and the application should be denied.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order denying the application.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23441, be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of December, 1968.
ls

(Decision No. 72301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KENNETH DePRIEST, DOING BUSINESS AS)
"DePRIEST WRECKING CO.," 3894 OLIVE,) APPLICATION NO. 23328-PP
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

December 12, 1968

Appearances: Kenneth DePriest, Denver, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 26, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual doing business as "DePriest Wrecking Co."

2. Applicant does not hold previously granted authority from this Commission.

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Kenneth DePriest, doing business as "DePriest Wrecking Co.,"Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of December, 1968.
ls

(Decision No. 72302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. K. KEESEE, BOX 1995, FARMINGTON, NEW MEXICO, FOR AUTHORITY TO TRANSFER PUC NO. 2359 AND PUC NO. 2359-I TO M & H TRUCKING, INC., BOX 1995, FARMINGTON, NEW MEXICO.

APPLICATION NO. 23420-Transfer
SUPPLEMENTAL ORDER

December 13, 1968

Appearances: T. Peter Craven, Esq., Denver, Colorado, for Transferor and Transferee.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 6, 1968, the Commission entered Decision No. 72269 authorizing the transfer of PUC No. 2359 and PUC No. 2359-I.

It now appears that the Commission through inadvertence, made certain errors in setting forth the full and complete authority contained under said PUC No. 2359 and PUC No. 2359-I.

In view of the above and foregoing, the Commission states and finds that Decision No. 72269 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 72269 be, and the same hereby is, amended, nunc pro tunc, as of December 6, 1968, by striking therefrom the second paragraph of the Order therein contained and the entire authority under PUC No. 2359 and PUC No. 2359-I, appearing on page 4 of the Order thereof, and inserting in lieu thereof the following:

"That henceforth the full and complete authority under PUC No. 2359 and PUC No. 2359-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) Machinery, equipment, materials and supplies used in or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products.

Between all points within the State of Colorado;

(2) Machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines.

Between all points within the State of Colorado;

(3) Commodities, which because of size or weight require special equipment or special handling, and contractors equipment, materials and supplies, in a general transfer and cartage service.

Between points within the city limits of Sterling, Colorado;

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

That, except as herein amended, Decision No. 72269 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.
sl

(Decision No. 72303)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEONARD DeLUE, D. J. SEBERN, T. W. RINKER AND E. L. DeLUE, DOING BUSINESS AS "ARMORED MOTORS SERVICE," 970 YUMA STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-958.

APPLICATION NO. 23364-PP-Extension

December 13, 1968

Appearances: Herbert M. Boyle, Esq., Denver, Colorado, for Applicants; Orris H. Gram, Colorado Springs, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On August 7, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. B-958 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants are partners, doing business as "Armored Motors Service".

2. Applicants presently hold authority from this Commission under Permit No. B-958 and B-958-I, which reads as follows:

"Transportation of

(1) gold bullion only from Golden Cycle Mill at Colorado Springs to the Mint in Denver via U.S. 85;

(2) gold bullion from the mill of the Cripple Creek Milling Company of Cripple Creek to U.S. Mint in Denver;

(3) currency, silver, securities, and valuables, limited to those valuables normally transported in an armored car operation, between points within a 25-mile radius of Colorado Springs, Colorado; between points within a radius of 25 miles of Pueblo, Colorado, between points within a radius of 25 miles of Denver, Colorado, without the right to conduct such operations between the cities above-mentioned; application to transport the commodities above-mentioned in emergencies for all banks in this Federal Reserve District is expressly denied, except within the 25-mile areas within which operations are authorized, as above set forth;

(4) by armored car of money, coins, currency, gold, silver, bullion, jewelry, securities, and other valuable papers from point to point in Denver, and between Denver and any other points in the State of Colorado;

(5) mail in vehicles other than armored cars between points within twenty-five miles of Denver and Pueblo, Colorado, and to extend it territorially also to include an operation within the corporate limits of Denver and Pueblo, Colorado, on the same basis as is presently authorized outside those cities;

(6) by armored car and armed guard or guards of money, coins, currency, gold, silver, bullion, jewelry, securities and other valuable papers, between all points in the State of Colorado.

INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

3. The authority to which extension is hereby sought, Permit No. 958, has been continually operated in the past and is presently in good standing with the Commission.

4. By this application, Applicant seeks to extend the authority under Permit No. B-958 to include the following:

"Transportation of regular mail, inter-office memorandums and inter-company correspondence between points within a twenty-five mile radius of Colorado Springs, Colorado, and between points within Colorado Springs, Colorado, and between points within a twenty-five mile radius of Colorado Springs, Colorado, and Colorado Springs, Colorado."

The wording of this extension should be restated as hereinafter set forth.

5. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicants.

6. Applicants have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

7. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.

8. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

9. There is a present and special need for the service and, if this application is granted, Applicants will enter into special carriage contracts with customers to perform services thereunder.

10. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicants to extend operations under Permit No. B-958 and B-958-I to include:

"Transportation of regular mail and inter-office correspondence between all points within Colorado Springs, Colorado, and a twenty-five mile radius thereof."

That henceforth the entire authority under Permit No. B-958 and B-958-I shall be as follows:

"Transportation of

(1) Gold bullion

(a) From Golden Cycle Mill at Colorado Springs, Colorado, to the U.S. Mint in Denver, Colorado;

(b) From the mill of the Cripple Creek Milling Co., at Cripple Creek, Colorado, to the U.S. Mint in Denver, Colorado;

(2) Mail and interoffice correspondence

(a) Between all points within Denver, Colorado, and a twenty-five (25) mile radius thereof;

(b) Between all points within Colorado Springs, Colorado, and a twenty-five (25) mile radius thereof;

(c) Between all points within Pueblo, Colorado, and a twenty-five (25) mile radius thereof;

(3) Money, gold, silver, bullion, jewelry, securities, and other valuable papers

Between all points within the State of Colorado;

RESTRICTION:

All transportation performed shall be restricted to the use of armored cars and armed guards.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Private Interstate Carrier between all points in the State of Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Leonard DeLue, D. J. Sebern, T. W. Rinker and E. L. DeLue, doing business as "Armored Motors Service," Denver, Colorado, be, and hereby are, authorized to extend operations under Permit No. B-958 and B-958-I to include the following:

Transportation of regular mail and inter-office correspondence between all points within Colorado Springs, Colorado, and a twenty-five mile radius thereof.

That henceforth the full and complete authority under Permit No. B-958 and B-958-I, as extended, shall read and be as follows:

Transportation of

(1) Gold bullion

(a) From Golden Cycle Mill at Colorado Springs, Colorado, to the U.S. Mint in Denver, Colorado;

(b) From the mill of the Cripple Creek Milling Co., at Cripple Creek, Colorado, to the U.S. Mint in Denver, Colorado;

(2) Mail and interoffice correspondence

(a) Between all points within Denver, Colorado, and a twenty-five (25) mile radius thereof;

(b) Between all points within Colorado Springs, Colorado, and a twenty-five (25) mile radius thereof;

(c) Between all points within Pueblo, Colorado, and a twenty-five (25) mile radius thereof;

(3) Money, gold, silver, bullion, jewelry, securities, and other valuable papers

Between all points within the State of Colorado;

RESTRICTION:

Item 3 of this Permit is specially restricted to the use of only armored cars and armed guards.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Private Interstate Carrier between all points in the State of Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

That this Order is made a part of the Permitgranted to Applicants.

That this Order shall not become effective until Applicants have filed a statement of customers, the necessary tariffs, required insurance, and secured authority sheets.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.

gf

(Decision No. 72304)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOBBY D. CAREY, 1025 SOUTH LOCUST,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 23466-PP
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

December 13, 1968

Appearances: Bobby D. Carey, Denver, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 23, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.

2. Applicant does not hold previously granted authority from this Commission, other than an "M" Permit.

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 75 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 75 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Bobby D. Carey, Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 75 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 75 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.
sl

(Decision No. 72305)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANCIS M. MARTIN, 8261 SHERIDAN COURT, ARVADA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 23467-PP

December 13, 1968

Appearances: Francis M. Martin, Arvada, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 28, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.

2. Applicant does not hold previously granted authority from this Commission.

3. Applicant requests that, in the event this application is granted, said operating rights be known as "Permit No. B-6811", being the number of a Permit formerly held by him.

4. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

6. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

7. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

8. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

1. That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

2. That said operating rights be known as Permit No. B-6811", being the number of a Permit formerly held by Applicant.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Francis M. Martin, Arvada, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

That the above Class "B" motor vehicle private carrier operations shall be designated and be assigned the number "B-6811," and this ORDER shall be deemed to be and be, a PERMIT therefor.

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

That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.
sl

(Decision No. 72306)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN M. KING, DOING BUSINESS AS "MOUNTAIN KING CONSTRUCTION CO.," c/o LITTLE KING RANCH, BOX 497, GRANBY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 23462-PP

December 13, 1968

Appearances: Norman Steenhof, Denver, Colorado, as President of Applicant Company, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 23, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual, doing business as "Mountain King Construction Co."

2. Applicant does not hold previously granted authority from this Commission, other than Permit No. M-4898.

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

Ore

Between points within a radius of twenty-five (25) miles of Walden, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That John M. King, doing business as "Mountain King Construction Co.," Granby, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Ore

Between points within a radius of twenty-five (25) miles of Walden, Colorado;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.
ls

(Decision No. 72307)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARK L. HANSON, DOING BUSINESS AS "MORGAN CAB CO.," 511 EAST CIRCLE DRIVE, FORT MORGAN, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1416 TO JACOB RUSCH AND KATHERINE RUSCH, DOING BUSINESS AS "MORGAN CAB CO.," 311 EAST KIOWA AVENUE, FORT MORGAN, COLORADO.	)	APPLICATION NO. 23422-Transfer

December 13, 1968

Appearances: Stanley I. Rosener, Esq., of Epperson, McClary & Rosener, Esqs., Fort Morgan, Colorado, for Transferor and Transferees.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 25, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 1416.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor is the present owner and operator of Certificate of Authority PUC No. 1416, which is the subject of this proceeding, which authority provides as follows:

   "Transportation of passengers and their baggage in taxicab service between points within a radius of fifty miles of the city of Fort Morgan, Colorado."

2. This authority has been continually operated in the past and is presently in good standing with the Commission.

3. Transferor did not and Transferees do not intend to furnish a "local" taxicab service in areas that are within the fifty mile radius of Fort Morgan, Colorado. Transferor did and Transferees do intend to furnish a taxicab service in the city of Fort Morgan, Colorado, and from Fort Morgan, Colorado, to and from points within a fifty-mile radius thereof.

4. The authority should be redrafted to satisfy the past operation of the authority as well as the intended operation for the future so that a taxicab service is furnished locally in the city of Fort Morgan, Colorado, and "from and to Fort Morgan, Colorado, to and from points within a fifty-mile radius thereof".

5. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

6. The Certificate is free and clear of any debts, encumbrances or obligations.

7. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

8. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

9. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 1416 to Jacob Rusch and Katherine Rusch, doing business as "Morgan Cab Co.", and that henceforth the full and complete authority under said PUC No. 1416 shall read as follows, to-wit:

"Transportation -- in taxicab service -- of

Passengers and their baggage

Between all points within the city of Fort Morgan, Colorado, and between said points, on the one hand, and points within a fifty-mile radius thereof, on the other hand."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Mark L. Hanson, doing business as "Morgan Cab Co.," Fort Morgan, Colorado, be, and hereby is, authorized to transfer all right,title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1416 to Jacob Rusch and Katherine Rusch, doing business as "Morgan Cab Co.," Fort Morgan, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 1416 shall read and be as follows, to-wit:

Transportation -- in taxicab service -- of

Passengers and their baggage

Between all points within the city of Fort Morgan, Colorado, and between said points, on the one hand, and points within a fifty-mile radius thereof, on the other hand.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned and that said

parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

The right of transferees to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.
ls

(Decision No. 72308)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AL ROMERO, 4844 ZUNI STREET, DENVER,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 23486-Transfer
PUC NO. 3702 TO BEN A. ROMERO, 531)
WEST 4TH AVENUE, DENVER, COLORADO.)

December 13, 1968

Appearances: Al Romero, Denver, Colorado,
Transferor, pro se;
Ben A. Romero, Denver, Colorado,
Transferee, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 12, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 3702.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein is the present owner and operator of PUC No. 3702, which is the subject of this proceeding.

2. This authority has been continually operated in the past and is presently in good standing with the Commission.

3. Transferee herein holds no previously granted authority from this Commission.

4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

5. The Certificate is free and clear of any debts, encumbrances or obligations.

6. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

7. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.

8. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 3702 to Ben A. Romero, and that henceforth the full and complete authority under said PUC No. 3702 shall read as follows, to-wit:

"Transportation of

Ashes, trash and other waste material

From all points within the City and County of Denver, Colorado, to regularly designated dumps and disposal sites within the Counties of Adams, Arapahoe, Denver and Jefferson, State of Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and

Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Al Romero, Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3702 to Ben A. Romero, Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 3702 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other waste material

From all points within the City and County of Denver, State of Colorado, to regularly designated dumps and disposal sites within the following Counties of the State of Colorado: Adams, Arapahoe, Denver and Jefferson.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.

gf

(Decision No. 72309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EMERENCIANO E. BERNAL, 1903 GOSS STREET, BOULDER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3717 TO A. H. BRICKLEY AND KENNETH F. HALLS, A PARTNERSHIP, DOING BUSINESS AS "A-B TRASH COMPANY," 2950 PEARL STREET, BOULDER, COLORADO.

APPLICATION NO. 23487-Transfer

December 13, 1968

Appearances: Arthur W. Burke, Jr., Esq., Englewood, Colorado, for Transferor and Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 13, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 3717.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein is the present owner and operator of PUC No. 3717, which is the subject of this proceeding.

2. This authority has been continually operated in the past and is presently in good standing with the Commission.

3. Transferees herein hold no previously granted authority from this Commission.

4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

5. The Certificate is free and clear of any debts, encumbrances or obligations.

6. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

7. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

8. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 3717 to A. H. Brickley and Kenneth F. Halls, a partnership, doing business as "A-B Trash Company," and that henceforth the full and complete authority under said PUC No. 3717 shall read as follows, to-wit:

"Transportation of

Ashes, trash, and other refuse

From all points within the City of Boulder, Colorado, to dumps and disposal sites as designated by the City of Boulder, Colorado."

The Commission has given careful consideration to the record and exhibits of the above-entitled proceeding and to the Findings of Fact

and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examienr, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Emerenciano E. Bernal, Boulder, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3717 to A. H. Brickley and Kenneth F. Halls, a partnership, doing business as "A-B Trash Company," Boulder, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 3717 shall read and be as follows, to-wit:

Transportation of

Ashes, trash, and other refuse

From all points within the City of Boulder, State of Colorado, to dumps and disposal sites designated by the City of Boulder, State of Colorado.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.

gf

(Decision No. 72310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

GRAND VALLEY RURAL POWER LINES, INC., 2727 GRAND AVENUE GRAND JUNCTION, COLORADO, Complainant, vs. PUBLIC SERVICE COMPANY OF COLORADO 550 FIFTEENTH STREET DENVER, COLORADO, Respondent.	)	CASE NO. 5380

December 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 28, 1968, formal complaint was filed with the Commission by Grand Valley Rural Power Lines, Inc. against Public Service Company of Colorado.

On October 29, 1968, an Order to Satisfy or Answer was issued by the Commission, directed to the Respondent, and on November 19, 1968, the Respondent filed with the Commission its written Answer to said complaint.

Said case is presently set for hearing at 10:00 A.M., on Thursday, January 30, 1969, at the Hearing Room of the Commission, Denver, Colorado.

On December 9, 1968, the Complainant herein filed with the Commission a Motion for Disposition of Case on Legal Issues, and on December 11, 1968, the Respondent filed with the Commission a Response thereto.

The Commission has carefully considered said Motion and the Respondent thereto filed herein, and each and every allegation thereof,

and is of the opinion, and finds that said Motion should be denied.

O R D E R

THE COMMISSION ORDERS:

That Motion for Disposition of Case on Legal Issues filed with the Commission by the Complainant herein be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.
ls

(Decision No. 72311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SILVER STATE AVIATION, INC., A COLORADO CORPORATION, MUNICIPAL AIRPORT, ALAMOSA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY AIRPLANE.	)	APPLICATION NO. 22972

December 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, filed with the Commission on December 15, 1967, Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by airplane for the transportation of passengers, freight and express, not on schedule, but on call and demand, from, to and between all points in the State of Colorado, with a fixed base of operation at Alamosa, Colorado, Municipal Airport.

Since that time, said matter has been pending with no request for hearing.

As the Commission is desirous of closing its docket on long-pending matters, the Commission states and finds that unless written request for setting of the above-entitled matter for hearing shall be received by the Commission before the effective date of this Order, the Application should be dismissed for want of prosecution.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22972 be, and the same hereby is, dismissed, unless written request for hearing shall be received by the Commission

before the effective date of this Order.

This Order shall become effective thirty (30) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1968.

ls

(Decision No. 72312)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD C. BROUGH, DOING BUSINESS)
AS "DICK'S RUBBISH REMOVAL,")
6960 LOCUST STREET)
COMMERCE CITY, COLORADO 80022)
-)

PUC NO. 2084
SUPPLEMENTAL ORDER

- - - - - - - - - - -

December 16, 1968

- - - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of December 13, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1968.

ls

(Decision No. 72313)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RUBEN LEE)
5661 SOUTH HAVANA) PUC 3057
ENGLEWOOD, COLORADO 80110) SUPPLEMENTAL ORDER
)
)
- -

- - - - - - - - - -

December 16, 1968

- - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of December 13, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1968.

ls

(Decision No. 72314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF RICHARD C. BROUGH, DOING BUSINESS AS "DICK'S RUBBISH REMOVAL," 6960 LOCUST STREET, COMMERCE CITY, COLORADO 80022

PUC NO. 3567
SUPPLEMENTAL ORDER

December 16, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of December 13, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1968.

ls

(Decision No.72315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CYRIL A. KREUTZER AND VICTOR C.)
KREUTZER, DOING BUSINESS AS)
"KREUTZER DISPOSAL SERVICE,")
1225 NORTHERN AVENUE, BRIGHTON,)
COLORADO - 80601 - - - - - - - - - -)

PUC NO. 3581
SUPPLEMENTAL ORDER

- - - - - - - - - -

December 16, 1968

- - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of December 13, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1968.

ls

(Decision No. 72316)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILLIAM R. STODDARD)
BOX 188)
ILIFF, COLORADO 80736)
)
-)

PERMIT NO. B-5877

December 16, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 11, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1968.

ls

(Decision No. 72317)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FRANK W. HEWES, JR.)
TOPONAS, COLORADO) PUC 5447-I

December 16, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 9, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1968.

ls

(Decision No. 72318)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MICHAEL HENRY, DOING BUSINESS AS "VALLEY HAY HAULERS," BOX 93, PADRONI, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-4831 TO W. EARL STOOPS, DOING BUSINESS AS "PADRONI HAY COMPANY," BOX 37B, PADRONI, COLORADO.

APPLICATION NO. 23424-PP-Transfer

December 17, 1968

Appearances: Michael Henry, Padroni, Colorado, Transferor, pro se;
W. Earl Stoops, Padroni, Colorado, Transferee, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 26, 1968, the above-entitled application was filed requesting authority to transfer Permit No. B-4831.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor is an individual doing business as "Valley Hay Haulers."

2. Transferor herein is the present owner and operator of Permit No. B-4831, which is the subject of this proceeding.

3. This authority has been continually operated in the past and is presently in good standing with the Commission.

4. Transferee herein holds no previously granted authority from this Commission other than Permit No. M-744.

5. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.

6. The Permit is free and clear of any debts, encumbrances or obligations.

7. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

8. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.

9. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

11. The words "baled and loose" and the word "only" serve no useful purpose in the description of the authority and should be deleted.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to Permit No. B-4831 to W. Earl Stoops, doing business as "Padroni Hay Company," and that henceforth the full and complete authority under said Permit No. B-4831 shall read as follows, to-wit:

"Transportation of

Hay

Between all points within a fifty (50) fifty mile radius of Sterling, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Michael Henry, doing business as "Valley Hay Haulers," Padroni, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-4831 to W. Earl Stoops, doing business as "Padroni Hay Company," Padroni, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Permit No. B-4831 shall read and be as follow, to-wit:

Transportation of

Hay

Between all points within a fifty (50) mile radius of Sterling, Colorado."

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

The right of Transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1968.
gf

(Decision No. 72319)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLARD THIEMAN, DOING BUSINESS AS "WOODY'S TRUCK LINE," RUSH, COLORADO, FOR AUTHORITY TO EXTEND AND/OR CLARIFY AUTHORITY UNDER PERMIT NO. B-2196 (IN THE EVENT AUTHORITY SOUGHT IN APPLICATION NO. 23443-PP-Transfer IS GRANTED).

APPLICATION NO. 23444-PP-Extension and/or Clarification

December 17, 1968

Appearances: William D. Schaneman, Esq., Colorado Springs, Colorado, for Applicant;
Jean P. Jones, Esq., Denver, Colorado, for Book Truck Line, Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 20, 1968, the above-entitled application was filed requesting authority to extend and/or clarify operations under Permit No. B-2196 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by Book Truck Line.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Upon motion of Applicant, this application was continued to be reset only upon the request of Applicant and pending the outcome of companion proceeding, Application No. 23443-PP, wherein this Applicant seeks to have Permit No. B-2196, the authority involved herein, transferred to him from Roy Cusic, the present owner thereof. Said Motion was granted."

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Conclusions read as follows, to-wit:

EXAMINER CONLCUSIONS

In view of the denial of Application No. 23443-PP-Transfer and since this Application is contingent upon the granting of said transfer, this Application should be dismissed and it is the recommendation of your Examiner that the Commission make and enter its Order dismissing this application.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23444-PP-Extension and/or Clarification, be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1968.

gf

(Decision No. 72320)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DUANE D. ZABKA, 617 - 6TH STREET, BOX 446, GREELEY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 23482-PP

December 17, 1968

Appearances: Duane D. Zabka, Greeley, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 4, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.

2. Applicant presently holds authority granted from this Commission under PUC No. 5291-I and M-13510, which are held in the name of Duane D. Zabka, doing business as "Duane D. Zabka Trucking".

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant has and will use specially equipped vehicles for the transportation of commodities under this Permit.

5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

6. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

7. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

8. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the Application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

Farm products

Between points within the Counties of Weld, Morgan, Adams and Otero, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

RESTRICTION:

This Permit is restricted against the transportation of livestock, bulk milk and dairy products."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the

provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Duane D. Zabka, Greeley, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Farm products

Between points within the following Counties of the State of Colorado: Weld, Morgan, Adams and Otero, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

RESTRICTION:

This Permit is restricted against the transportation of livestock, bulk milk and dairy products;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1968.
ls

(Decision No. 72321)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT F. SELBY, RURAL ROUTE 1, JOHNSTOWN, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 4817 TO DARLENE WOKERSIN, DOING BUSINESS AS "DARLENE WOKERSIN MILK TRANSPORT," RURAL ROUTE 2, BERTHOUD, COLORADO.	APPLICATION NO. 23453-Transfer

December 17, 1968

Appearances: Robert F. Selby, Johnstown, Colorado, Transferor, pro se;
Darlene Wokersin, Berthoud, Colorado, Transferee, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 14, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 4817.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein is the present owner and operator of PUC No. 4817, which is the subject of this proceeding.

2. This authority has been continually operated in the past and is presently in good standing with the Commission.

3. Transferee herein holds no previously granted authority from this Commission.

4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

5. The Certificate is free and clear of any debts, encumbrances or obligations.

6. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

7. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.

8. To better clarify the authority involved herein, PUC No. 4817, it should be redrafted as hereinafter set forth.

9. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 4817 to Darlene Wokersin, doing business as "Darlene Wokersin Milk Transport", and that henceforth the full and complete authority under said PUC No. 4817 shall read as follows, to-wit:

"Transportation -- on schedule or call and demand -- of

(1) Milk, in cans

From all points within the following described area: Beginning at a point one (1) mile west of Loveland, Colorado on Colorado Highway No. 16; thence east to a point one (1) mile east of Loveland; thence north one and one-half (1-½) miles; thence east one (1) mile; thence north one-half (½) mile; thence east to U.S. Highway No. 85; thence north to Ault, Colorado; thence west along Colorado Highway No. 14 to a point one (1) mile west of Fort Collins, Colorado; thence south to the point of beginning to Loveland, Fort Collins, Johnstown, and Fort Lupton, Colorado.

(2) Milk, in cans

Between cooling plants in Loveland, Colorado, and the condenseries located at Johnstown, Colorado, and Fort Lupton, Colorado.

(3) Milk, in cans (with return of empty cans)

From Loveland, Colorado, to Denver and Golden, Colorado.

(4) Milk, in cans

From all points within the following described area: Beginning at a point six (6) miles due west of Fort Collins; thence due north to the intersection of U.S. Highway No. 287; thence along U.S. Highway No. 287 to the intersection of the Colorado-Wyoming state line; thence east along the Colorado-Wyoming state line to a point two (2) miles east of the Weld-Larimer county line; thence due south to the interesection of Colorado Highway No. 14; thence west to the point of beginning to Loveland, Fort Collins, Johnstown, and Fort Lupton, Colorado.

(5) Milk, in cans (with return of empty cans)

From all points within the following described territory: Beginning at a point one (1) mile west of Loveland, Colorado on U.S. Highway No. 34; thence west seven (7) miles; thence south four (4) miles; thence east approximately three and one-fourth (3 1/4) miles; thence south five (5) miles; thence east three and one-half (3 1/2) miles; to U.S. Highway No. 287; thence south along U.S. Highway 287 seven (7) miles; thence east approximately ten and one-half (10 1/2) miles; thence north to U.S. Highway No. 34; thence west on U.S. Highway No. 34 to the point of beginning to Boulder, Colorado.

(6) Milk, in cans (with return of empty cans)

From the condensery located in Johnstown, Colorado, to points within the metropolitan area of Denver, Colorado.

(7) Milk and cream, in cans (with return of empty cans)

From all points within the following described area: Beginning at a point one (1) mile west of Loveland, Colorado on Colorado Highway No. 16; thence east to a point one (1) mile east of Loveland, Colorado; thence north one and one-half (1½) mile; thence east 1 mile; thence north ½ mile; thence east to U.S. Highway No. 85; thence north to Ault, Colorado; thence west along Colorado Highway No. 14 to a point one (1) mile west of Fort Collins, Colorado; thence south to the point of beginning to all points within Fort Collins, Colorado and a three (3) mile radius thereof.

(8) Milk and cream, in cans (with return of empty cans)

From all points within the following described area: Beginning at a point six (6) miles west of Fort Collins, Colorado; thence north to an intersection of Highway 287; thence northerly along U.S. Highway No. 287 to the intersection of the Colorado-Wyoming state line; thence east along the Wyoming state line to a point two (2) miles east

of the Weld-Larimer County Line; thence due south to the intersection of Colorado Highway No. 14; thence west to the point of beginning to all points within Fort Collins, Colorado and a three (3) mile radius thereof."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Robert F. Selby, Johnstown, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 4817 to Darlene Wokersin, doing business as "Darlene Wokersin Milk Transport," Berthoud, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 4817 shall read and be as follows, to-wit:

Transportation -- on schedule or call and demand -- of

(1) Milk, in cans

From all points within the following described area: Beginning at a point one (1) mile west of Loveland, Colorado on Colorado Highway No. 16; thence east to a point one (1) mile east of Loveland; thence north one and one-half (1-½) miles; thence east one (1) mile; thence north one-half (½) mile; thence east to U.S. Highway No. 85; thence north to Ault, Colorado; thence west along Colorado Highway No. 14 to a point one (1) mile west of Fort Collins, Colorado; thence south to the point of beginning to Loveland, Fort Collins, Johnstown, and Fort Lupton, Colorado.

(2) Milk, in cans

Between cooling plants in Loveland, Colorado, and the condenseries located at Johnstown, Colorado, and Fort Lupton, Colorado.

(3) Milk, in cans (with return of empty cans)

From Loveland, Colorado, to Denver and Golden, Colorado.

(4) Milk, in cans

From all points within the following described area: Beginning at a point six (6) miles due west of Fort Collins; thence due north to the intersection of U.S. Highway No. 287; thence along U.S. Highway No. 287 to the intersection of the Colorado-Wyoming state line; thence east along the Colorado-Wyoming state line to a point two (2) miles east of the Weld-Larimer county line; thence due south to the intersection of Colorado Highway No. 14; thence west to the point of beginning to Loveland, Fort Collins, Johnstown, and Fort Lupton, Colorado.

(5) Milk, in cans (with return of empty cans)

From all points within the following described territory: Beginning at a point one (1) mile west of Loveland, Colorado on U.S. Highway No. 34; thence west seven (7) miles; thence south four (4) miles; thence east approximately three and one-fourth (3 1/4) miles; thence south five (5) miles; thence east three and one-half (3 1/2) miles; to U.S. Highway No. 287; thence south along U.S. Highway 287 seven (7) miles; thence east approximately ten and one-half (10 1/2) miles; thence north to U.S. Highway No. 34; thence west on U.S. Highway No. 34 to the point of beginning to Boulder, Colorado.

(6) Milk, in cans (with return of empty cans)

From the condensery located in Johnstown, Colorado, to points within the metropolitan area of Denver, Colorado.

(7) Milk and cream, in cans (with return of empty cans)

From all points within the following described area; Beginning at a point one (1) mile west of Loveland, Colorado on Colorado Highway No. 16; thence east to a point one (1) mile east of Loveland, Colorado; thence north one and one-half (1½) mile; thence east 1 mile; thence north ½ mile; thence east to U.S. Highway No. 85; thence north to Ault, Colorado; thence west along Colorado Highway No. 14 to a point one (1) mile west of Fort Collins, Colorado; thence south to the point of beginning to all points within Fort Collins, Colorado and a three (3) mile radius thereof.

(8) Milk and cream, in cans (with return of empty cans)

From all points within the following described area: Beginning at a point six (6) miles west of Fort Collins, Colorado; thence north to an intersection of Highway 287; thence northerly along U.S. Highway No. 287 to the intersection of the Colorado-Wyoming state line; thence east along the Wyoming state line to a point two (2) miles east of the Weld-Larimer County Line; thence due south to the interesection of Colorado Highway No. 14; thence west to the point of beginning to all points within Fort Collins, Colorado and a three (3) mile radius thereof.

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

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

That the right of transferee to operate under this Order shall depend upon the prior filing of the Annual Report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1968.
ls

(Decision No. 72322)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY CUSIC, RAMAH, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2196 TO WILLARD THIEMAN, DOING BUSINESS AS "WOODY'S TRUCK LINE," RUSH, COLORADO.

APPLICATION NO. 23443-PP-Transfer

December 17, 1968

Appearances: William D. Schaneman, Esq., Colorado Springs, Colorado, for Transferor and Transferee;
Jean P. Jones and Marion Jones, Esqs., Denver, Colorado, for Book Truck Line, Protestant;
Orris H. Gram, Denver, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 20, 1968, the above-entitled application was filed requesting authority to transfer Permit No. B-2196.

After due and proper notice to all interested persons, firms or corporations, the Application was heard by Robert L. Pyle -- duly designated by the Commission as an examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by Book Truck Line.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor, Roy Cusic, is an individual and the present owner and operator of Permit No. B-2196 which provides as follows:

   "Transportation of: (a) farm produce, including livestock, from point to point within a radius of 10 miles of his home, and from points in said area to Colorado Springs and Pueblo, and to markets within a radius of said home;

   and (b) milk, cream, eggs and other dairy products, from points in said area and points along Colorado State Highway No. 94 to Colorado Springs, and from points along unnumbered highway extending due west from his home to Colorado Springs;

   and (c) feed from Colorado Springs to points in said area to to his milk customers along said highways."

2. In view of the wording of the authority and specifically with regard to references such as "his home" and "his milk customers" in describing the area of the authority, the authority should be redrafted.

3. Transferor, in the operation of this authority, has never used a vehicle other than one "bob tail" truck, has not hauled feed for the last three (3) years and has not hauled milk, cream, eggs and other dairy products for the last five (5) years.

4. For all intents and purposes, Transferor has abandoned the "transportation of feed and the transportation of milk, cream, eggs and other dairy products".

5. Transferor's home is now and always has been the "Holtwood Store" which is a "public known" place.

6. Transferee is an individual and presently holds no authority from this Commission.

7. This application was protested by Dale Book, doing business as "Book Truck Line", which holds Certificate of Authority PUC No. 420 and PUC No. 420-I, which provides as follows:

   "Transportation, on call and demand, of

   Over irregular routes, farm produce, including livestock, farm equipment and supplies, including household goods, between points within an area extending thirty (30) miles north, east and west, and twenty (20) miles south of Karval, Colorado, and from and to points in said area, to and from points within a one hundred-fifty (150) mile radius of Karval, Colorado;

   transportation, on call and demand, of livestock to and from Limon, Colorado, from and to all points within a radius of 150 miles of Limon, Colorado;

transportation of freight between points within an area extending 15 miles north, 35 miles south, 10 miles east, and 30 miles west of Rush, Colorado, and from and to points in said area, to and from points in Colorado; save and except that applicant shall not be authorized to transport any freight originating in or destined to Denver,

except livestock and farm produce, from that portion of the above-described territory within an area 10 miles south of Highway No. 24, commencing at a point 10 miles south of Calhan and extending northeasterly to the eastern boundary line of area applicant is authorized to serve;

transportation of freight in interstate commerce only between all points in Colorado and the Colorado State boundary lines where all highways cross the same, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

8. Under Certificate of Authority PUC No. 420, Protestant has authority to provide the same transportation services as that contained in Permit No. B-2196, which is the subject of this transfer proceeding.

9. In the event this transfer is granted, Transferee, by his own admissions, intends to operate this Permit as though it were a Certificate of Public Convenience and Necessity.

10. Since September 27, 1968, Transferee has held temporary authority to operate Permit No. B-2196, which is the subject of this transfer proceeding, and during that period of time, he has not confined himself to the operation of a "Permit" and, further, has, on numerous occasions, intentionally exceeded the bounds of the authority.

11. To grant the transfer of this authority to Transferee, Willard Thieman, would not be in the public interest.

12. This application should be denied.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order denying this application and, further, the owner and operator of Permit No. B-2196 should be required to file an applicaton for clarification of this authority.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes the enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23443-PP-Transfer, be, and the same is hereby, denied.

That the Staff of the Commission, be, and hereby is, ordered to institute appropriate show cause proceedings to clarify the operating authority as contained and set forth in Permit No. B-2196.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1968.
ls

(Decision No. 72323)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Coastal Wire and Manufacturing Co. Inc.) AUTHORITY NO. M-199
P.O. Box 7238)
Houston, Texas 77008) CASE NO. 3777-M-Ins.
)
)
)

December 17, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
17th day of December 1968 .

(Decision No. 72324)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MIGUEL ANTONIO SANCHEZ, DOING BUSINESS AS "PROFESSIONAL TRANSPORTATION SERVICE," 2785 NORTH SPEER BOULEVARD, DENVER, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-7209.

APPLICATION NO. 23483-PP-Extension

December 17, 1968

Appearances: Miguel Antonio Sanchez, Denver, Colorado, pro se;
Walter M. Simon, Esq., Denver, Colorado, for Yellow Cab, Inc., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 4, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. B-7209 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing, Yellow Cab, Inc. withdrew its Protest but wished to remain a party to the proceeding for the purpose of receiving a copy of the Order."

The record further discloses, in view of the above and foregoing, that the Protestant of record, as above indicated, withdrew its protest to the granting of the authority as herein sought.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual, doing business as "Professional Transportation Service".

2. Applicant presently holds authority from this Commission under Permit No. B-7209, which reads as follows:

   "Transportation of

   Passengers

   Between that portion of Denver, Colorado, bounded on the west by Broadway, on the east by Franklin Street, on the south by Evans Avenue, and on the north by Ninth Avenue, and the Samsonite Corporation plant located in Montbello Park, Denver, Colorado.

   RESTRICTION:

   This Permit is restricted to service for only the employees of the Samsonite Corporation plant located in Montbello Park, Denver, Colorado."

3. By this application, Applicant seeks to extend said authority to include that area encompassed on the north by 20th Avenue and on the east by Colorado Boulevard with the restriction to the employees of the Samsonite Corporation Plant at Montbello only.

4. The gist of the extension is to extend the northern boundary of the territory from 9th Avenue to 20th Avenue and the eastern boundary from Franklin Street to Colorado Boulevard.

5. The authority to which extension is hereby sought, Permit No. B-7209, has been continually operated in the past and is presently in good standing with the Commission.

6. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.

7. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

8. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

9. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

10. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

11. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-7209 to include the following:

"To extend the northern boundary from 9th Avenue to 20th Avenue and to extend the eastern boundary from Franklin Street to Colorado Boulevard."

That henceforth the entire authority under Permit No. B-7209 shall be as follows:

"Transportation of

(1) Passengers

Between that portion of Denver, Colorado, bounded on the west by Broadway, on the east by Colorado Boulevard, on the south by Evans Avenue, and on the north by Twentieth Avenue, and the Samsonite Corporation Plant located in Montbello Park, Denver, Colorado.

RESTRICTION:

This Permit is restricted to service for only the employees of the Samsonite Corporation Plant located in Montbello Park, Denver, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the

submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Miguel Antonio Sanchez, doing business as "Professional Transportation Service," Denver, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-7209 to include the following:

> "To extend the northern boundary from 9th Avenue to 20th Avenue and to extend the eastern boundary from Franklin Street to Colorado Boulevard."

That henceforth the full and complete authority under Permit No.B-7209, as extended, shall read and be as follows, to-wit:

> Transportation of
>
> (1) Passengers
>
> Between points within that portion of Denver, Colorado, bounded on the west by Broadway, on the east by Colorado Boulevard, on the south by Evans Avenue, and on the north by Twentieth Avenue, and the Samsonite Corporation Plant located in Montbello Park, Denver, Colorado.
>
> RESTRICTION:
>
> This Permit is restricted to service for only the employees of the Samsonite Corporation Plant located in Montbello Park, Denver, Colorado.

That this Order is made a part of the permit granted to Applicant.

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

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, and has secured authority sheets.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1968.

ls

(Decision No. 72325)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CECIL L. HALE)
4244 WYANDOT STREET)
DENVER, COLORADO 80211) PERMIT NO. B-3859
)
)
)
-)

- - - - - - - - -
December 18, 1968
- - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of December 13, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of December 1968

(Decision No. 72326)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
E. M. SAMUELS)
3015 LAKE AVENUE)
PUEBLO, COLORADO 81004)
)
)
-)

PERMIT NO. M-340

December 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 16, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of December, 1968.

ls

(Decision No. 72327)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
R. E. DOUGHMAN)
1102 - 33rd Avenue) PERMIT NO. M-10585
GREELEY, COLORADO 80630)
)
)

December 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 12, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of December, 1968.

ls

(Decision No. 72328)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
R. E. DOUGHMAN)
1102 - 33RD AVENUE) PERMIT NO. B-6708
GREELEY, COLORADO 80630)
)
)

December 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 12, 1968 to and including June 12, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of December 1968

ls

(Decision No. 72329)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
E. M. SAMUELS
3015 LAKE AVENUE
PUEBLO, COLORADO 81004

PERMIT NO. B-5875

December 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 16, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of December, 1968.

ls

(Decision No. 72330)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
A. D. LAUMANN)
STRATTON, NEBRASKA) PUC NO. 4346-I
)
)
)
- -

December 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 9, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of December, 1968.

ls

(Decision No. 72331)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DENVER-LOVELAND TRANSPORTATION, INC., 255 SOUTH CLEVELAND, LOVELAND, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NO. 205 AND PUC NO. 205-I.

APPLICATION NO. 23442-Extension-Amended

December 18, 1968

Appearances: John P. Thompson, Esq., Denver, Colorado, for Applicant;
Dalton O. Ford, Denver, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 25, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 205 and PUC No. 205-I in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

It should be noted and the file reflects that Colorado Cartage Company, Inc., through its attorney, Joseph F. Nigro, and also through its attorneys, Stockton and Lewis, filed Protests to this application. However, said Protestant did not appear in person or by counsel at the time of the hearing."

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is a Colorado corporation, duly authorized and existing under the laws of the State of Colorado.

2. Applicant presently holds authority from this Commission under PUC No. 205 and PUC No. 205-I, which reads as follows:

"1. Transportation of freight between the City and County of Denver and points within five miles thereof, on the one hand, and on the other hand, Loveland, Colorado, and points within five miles thereof, on schedule, over U.S. Highway 287 and Interstate Highway 25, serving no intermediate or off-route points, specifically excluding any single line, line-haul service to or from the Town of Berthoud, Colorado.

2. The conduct of a transfer, moving and general cartage business in the Counties of Boulder, Weld and Larimer and occasionally throughout the State of Colorado, subject to the following terms and conditions:

(a) The transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as 20 percent (20%) higher in all cases than those charged by scheduled carriers.

(b) Applicant shall not operate on schedule between any points under this portion of this Certificate.

(c) 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 Loveland, Colorado, for the purpose of developing or taking care of business done under this portion of this Certificate.

3. The transportation of sugar, on call and demand, between the plants of The Great Western Sugar Company near Loveland, Colorado and near Longmont, Colorado on the one hand, and on the other hand, points within four miles of Denver, Colorado.

4. Transportation of gypsum and gypsum products only, between the U.S. Gypsum Company at Wildspur, Colorado, and all points in the State of Colorado.

Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

3. Briefly summarized, PUC No. 205 now provides:

"1. Scheduled service, between Denver (and points within 5 miles) on the one hand, and on the other hand, Loveland (and points within 5 miles) over U.S. Highway 287 and Interstate 25; and

2. Unlimited call-and-demand service between points in Larimer County (in addition to authority elsewhere)."

4. By this application for extension, Applicant seeks to extend PUC No. 205 to the extent that Paragraph 1 of the existing authority would read in its entirety as follows:

"1. Transportation of freight (a) between the City and County of Denver and points within five miles thereof, on the one hand, and on the other hand Berthoud and Loveland, Colorado, (including points within five miles of Loveland) and points on U.S. Highway 287 intermediate between Berthoud and Loveland; and (b) between Loveland (and points within five miles thereof) and Berthoud, Colorado, serving intermediate points located on U.S. Highway 287; on schedule; over U.S. Highway 287 and Interstate Highway 25 (using Interstate Highway 25 for operating convenience only); serving no intermediate or off-route points except as specified in this paragraph."

5. The gist of this application is to extend the scheduled authority so as to:

(1) Add to the present Denver service, Berthoud and those points north of Berthoud to the present 5 mile radius of Loveland (approximately 2 miles), serving those points located on U.S. Highway 287 intermediate between Berthoud and Loveland; and

(2) Add a new local service between Loveland and Berthoud and those intermediate points located on U. S. Highway 287.

6. Applicant does not seek to extend or change the existing call and demand service nor does it seek to change the existing scheduled service other than to extend said scheduled service as above set forth.

7. The area around Berthoud, Colorado, is developing quite rapidly and there are several new business establishments as well as small manufacturing concerns located in and about Berthoud, Colorado.

8. The aforementioned businesses and manufacturing concerns require a scheduled service available through their own telephone exchange, all of which Applicant would furnish by this extension.

9. The town of Berthoud, Colorado, is located in Larimer County approximately seven (7) miles south of Loveland and would, therefore, not be included in the existing territory of PUC No. 205.

10. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.

11. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

12. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

13. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.

14. There is a presently no service available in the area to which extension is sought.

15. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.

16. The authority will be in the public interest and should be granted as hereinafter set forth, with the entire authority rewritten as indicated.

EXAMINER CONCLUSIONS

That the Commission make and enters its Order authorizing the Applicant to extend its scheduled operations under PUC No. 205 and PUC No. 205-I so as to include the following:

> "(1) Add to the present Denver service, Berthoud and those points north of Berthoud to the present 5 mile radius of Loveland (approximately 2 miles), serving those points located on U.S. Highway 287 intermediate between Berthoud and Loveland; and
>
> (2) Add a new local service between Loveland and Berthoud and those intermediate points located on U.S. Highway 287.";

and that henceforth the full and complete authority under PUC No. 205 and PUC No. 205-I shall read as follows:

"Transportation -- on schedule -- of

(1) Freight

Between the City and County of Denver, Colorado (and a five (5) mile radius) and Berthoud, Colorado, and Loveland, Colorado (including points within a five (5) mile radius of Loveland, Colorado) over U. S. Highway No. 287 and Interstate Highway No. 25, serving all intermediate points on U.S. Highway No. 287 between Berthoud and Loveland, Colorado.

(2) Freight

Between Loveland, Colorado (and points within a five (5) mile radius of Loveland, Colorado) and Berthoud, Colorado over U.S. Highway No. 287 and Interstate Highway No. 25, serving all intermediate points on U.S. Highway No. 287 between Berthoud and Loveland, Colorado.

Transportation -- on call and demand -- of

(1) General commodities

In the Counties of Boulder, Weld and Larimer, and occasionally throughout the State of Colorado.

RESTRICTIONS:

(a) Transportation of commodities, other than household goods, between points served singly or in combination by scheduled carriers, shall require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than the rates charged by scheduled carriers.

(b) The holder or operator is prohibited from establishing an office or having an agent, for the purpose of developing business, in any city or town other than Loveland, Colorado.

(2) Sugar

Between the plants of the Great Western Sugar Company near Loveland and near Longmont, Colorado, on the one hand, and points within four (4) miles of Denver, Colorado, on the other hand.

(3) Gypsum and gypsum products only

Between the U.S. Gypsum Company at Wildspur, Colorado, and all points in the State of Colorado.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and

Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Denver-Loveland Transportation, Inc., Loveland, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 205 and PUC No. 205-I to include the following:

(1) Add to the present Denver service, Berthoud and those points north of Berthoud to the present 5 mile radius of Loveland (approximately 2 miles), serving those points located on U.S. Highway 287 intermediate between Berthoud and Loveland; and

(2) Add a new local service between Loveland and Berthoud and those intermediate points located on U.S. Highway 287.

That henceforth the full and complete authority under PUC No. 205 and PUC No. 205-I shall read and be as follows, to-wit:

Transportation -- on schedule -- of

(1) Freight

Between the City and County of Denver, Colorado (and a five (5) mile radius) and Berthoud, Colorado, and Loveland, Colorado (including points within a five (5) mile radius of Loveland, Colorado) over U.S. Highway No. 287 and Interstate Highway No. 25, serving all intermediate points on U.S. Highway No. 287 between Berthoud and Loveland, Colorado.

(2) Freight

Between Loveland, Colorado (and points within a five (5) mile radius of Loveland, Colorado) and Berthoud, Colorado over U.S. Highway No. 287 and Interstate Highway No. 25, serving all intermediate points on U.S. Highway No. 287 between Berthoud and Loveland, Colorado.

Transportation -- on call and demand -- of

(1) General commodities

In the Counties of Boulder, Weld and Larimer, State of Colorado, and for occasional service throughout the State of Colorado.

RESTRICTION:

(a) Transportation of commodities, other than household goods, between points served singly or in combination by scheduled carriers, shall require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than the rates charged by scheduled carriers.

(b) The holder or operator herein is prohibited, without further order from this Commission, from establishing an office in any other city or town than Loveland, Colorado; and further is prohibited, without further order from this Commission, from having an Agent employed in any other city or town than Loveland, Colorado for the purpose of developing or conducting business.

(2) Sugar

Between the plant site of the Great Western Sugar Company, located near Loveland and Longmont, Colorado, on the one hand, and points within four (4) miles of Denver, Colorado, on the other hand.

(3) Gypsum and gypsum products

Between the plant site of the U. S. Gypsum Company, located at Wildspur, Colorado, and all points in the State of Colorado.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

That Applicant shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of December, 1968.
ls

(Decision No. 72332)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)
OF JOHN M. DISTEL, DOING)
BUSINESS AS CIRCLE ROUTE)
GARAGE, SILVERTON, COLORADO.)

APPLICATION NO. 23530
SUSPENSION

December 19, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 11, 1968, John M. Distel, doing business as Circle Route Garage, Silverton, Colorado, owner and operator of Certificate of Public Convenience and Necessity PUC No. 2193, petitioned the Commission to suspend operations of that portion of PUC No. 2193 authorizing "scheduled passenger service, for the transportation of miners and persons desiring service, between Silverton, Colorado, and the Idarado Mining Company property located on U.S. Highway No. 550."

Rule 7(B) of the Rules and Regulations Governing Common Carriers by Motor Vehicle states in part that "voluntary suspensions may be granted by the Commission."

The Commission finds that the granting of the petition for suspension as set out above is not in the public interest, and should be denied as set out in the following Order:

O R D E R

THE COMMISSION ORDERS:

That the petition of John M. Distel, doing business as Circle Route Garage, Silverton, Colorado, to suspend operations under that portion of PUC

No. 2193 authorizing "scheduled passenger service, for the transportation of miners and persons desiring service, between Silverton, Colorado, and the Idarado Mining Company property located on U.S. Highway No. 550," is herewith denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of December, 1968.
sl

(Decision No. 72333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BIG SKY CORPORATION, DOING BUSINESS AS SUMMIT STAGE LINE, LTD., P. O. BOX 218, DILLON, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 5894 TO SUMMIT STAGE LINE, LTD., P. O. BOX 218, DILLON, COLORADO.

APPLICATION NO. 23532-Transfer

December 19, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, authority is sought to transfer PUC No. 5894 from Big Sky Corporation, doing business as "Summit Stage Line, Ltd.," to Summit Stage Line, Ltd.

The Commission has now been advised by Georgine M. Watton that the Applicants no longer desire the authority herein sought and request that said application be dismissed.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23532-Transfer be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of December, 1968.

ls

(Decision No. 72334)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF REFRIGERATED TRUCKING, INC., 1335 N. W. 23RD STREET, MIAMI, FLORIDA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO SEMINOLE TRANSPORT LINES, INC., P. O. BOX 792, 1335 N. W. 23RD STREET, MIAMI, FLORIDA.

PUC NO. 7095-I - Transfer

December 19, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Refrigerated Trucking, Inc., Miami, Florida, heretofore was granted a certificate of public convenience and necessity, being PUC No. 7095-I, authorizing operation as a common carrier by motor vehicle for hire:

> Between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same, in Interstate Commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer said PUC No. 7095-I to Seminole Transport Lines, Inc., Miami, Florida.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Refrigerated Trucking, Inc., Miami, Florida, be, and hereby is, authorized to transfer all right, title and interest in and to PUC

No. 7095-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Seminole Transport Lines, Inc., Miami, Florida, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of December, 1968.

ls

(Decision No. 72335)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
) AUTHORITY NO. 1255
DAVID BAKER)
ROUTE 2) CASE NO. 1300 H-Insurance
DURANGO, COLORADO 81301)
)
)

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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
19th day of December, 1968 .

(Decision No. 72336)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
DAVID BAKER) AUTHORITY NO. 1308 & I
ROUTE 2)
DURANGO, COLORADO 81301) CASE NO. 1301-H-Insurance
)
)
)

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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
19th day of December, 1968 .

(Decision No. 72337)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
JAMES L. ROGERS DBA) AUTHORITY NO. B-5711
DAIRY TANK TRANSPORT)
ROUTE 1, BOX 134) CASE NO. 1315-H-Insurance
BOONE, COLORADO 81025)
)
)
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1968 in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
19th day of December, 1968 .

(Decision 72338)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)
OF EDWARD G. ROYBAL, BOX 5,) PUC NO. 7272
BLANCA, COLORADO.)

December 23, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Carlos F. Lucero, Attorney for the above-named certificate-holder, stating that Edward G. Roybal wishes to conduct operations under the trade name and style of Ed Roybal Trucking in the conduct of operations under PUC No. 7272.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Edward G. Roybal be, and hereby is, authorized to conduct operations under the trade name and style of Edward G. Roybal, doing business as "Ed Roybal Trucking," in the conduct of operations under PUC No. 7272, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1968.

ls

(Decision No. 72339)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
W. J. HANCOCK PAINT & WALLPAPER) PUC NO. 3576-I
COMPANY, INC., 1225 ALSTON AVENUE,)
FORT WORTH, TEXAS.)

December 23, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate holder, requesting authority to change its corporate name to Tex-Worth Company, from W. J. Hancock Paint & Wallpaper Company, Inc. in the conduct of operations under PUC No. 3576-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That W. J. Hancock Paint & Wallpaper Company, Inc., be, and hereby is, authorized to change its corporate name to Tex-Worth Company, in the conduct of operations under PUC No. 3576-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1968.

ls

(Decision No. 72340)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JACK THOMPSON, BOX 441, ROMEO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 23325-PP SUPPLEMENTAL ORDER

December 23, 1968

Appearances: Jack Thompson, Romeo, Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 9, 1968, the Commission entered Decision No. 71989 in the above-styled application, granting to Applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Said Applicant has failed to comply with the requirements set forth in said Decision No. 71989, viz., has failed to file Designation of Agent.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 71989, operating rights granted thereby should be revoked, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Jack Thompson, Romeo, Colorado, by Decision No. 71989, dated October 9, 1968, be, and the same hereby are, revoked, for failure of Applicant to comply with requirements set forth in said Decision No. 71989.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1968.
ls

(Decision No. 72341)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEE CLYDE JAMES, BOX 4, ROUTE 2,) APPLICATION NO. 23347-PP
DURANGO, COLORADO, FOR A CLASS "B") SUPPLEMENTAL ORDER
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

December 23, 1968

Appearances: Lee Clyde James, Durango, Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 9, 1968, the Commission entered Decision No. 71987 in the above-styled application, granting to Applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Said Applicant has failed to comply with the requirements set forth in said Decision No. 71987, viz., has failed to file certificate of insurance public liability and property damage.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 71987, operating rights granted thereby should be revoked, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Lee Clyde James, Durango, Colorado, by Decision No. 71987, dated October 9, 1968, be, and the same hereby are, revoked, for failure of Applicant to comply with requirements set forth in said Decision No. 71987.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1968.
ls

(Decision No. 72342)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE I. KELLY, 338½ MAIN, DELTA,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 23362-PP-Transfer
PERMIT NO. B-5270 TO FRANK RUBALCABA,) SUPPLEMENTAL ORDER
934 VINE STREET, DELTA, COLORADO.)

December 23, 1968

Appearances: Frank Rubalcaba, Delta, Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 71990, dated October 9, 1968, the Commission authorized Joe I. Kelly, Delta, Colorado, to transfer Permit No. B-5270 to Frank Rubalcaba, Delta, Colorado.

The requirements which are a condition precedent to transfer of said permit upon our records were never complied with, and the records of the Commission show that said operating rights are the property of Joe I. Kelly, Delta, Colorado.

The Commission states and finds that Decision No. 71990, dated October 9, 1968, entered by the Commission in Application No. 23362-PP-Transfer, should be set aside and the records of the Commission show that Joe I. Kelly is the owner of said Permit No. B-5270.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 71990, dated October 9, 1968, authorizing the transfer of Permit No. B-5270, be, and the same hereby is, vacated,

set aside, and held for naught, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show that Joe I. Kelly is the owner of said Permit No. B-5270.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1968.
ls

10

(Decision No. 72343)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PITKIN COUNTY DEVELOPMENT CORPORATION, 122 EAST DURANT STREET, ASPEN, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY AIRPLANE.	APPLICATION NO. 23346-Amended SUPPLEMENTAL ORDER

December 23, 1968

Appearances: John J. Conway, Esq., Denver, Colorado, for Applicant;
Raymond M. Wilson, Denver, Colorado, of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1968, the Commission entered Decision No. 72250 in the above-entitled matter.

On December 16, 1968, Petition to Amend Decision No. 72250 was filed with the Commission by John J. Conway, Attorney for the Applicant.

The Commission states and finds that said Petition should be granted and that Decision No. 72250 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 72250 be, and the same hereby is, amended, nunc pro tunc, as of December 2, 1968, by striking therefrom the first paragraph of the Order therein contained and the entire authority, appearing on page 4 of the Order thereof, and inserting in lieu thereof the following:

"That Pitkin County Development Corporation, Aspen, Colorado, be, and hereby is, authorized to operate as a common carrier by airplane on call and demand for the following:

Transportation by airplane -- on call and demand -- of

Persons and property

Between the Yampa Valley Airport, at Hayden, Colorado, on the one hand, and all points in the State of Colorado, on the other hand.

This certificate is restricted as follows:

(1) To a base of operations at the Yampa Valley Airport, at Hayden, Colorado.

(2) That no office or branch shall be established for the purpose of developing or soliciting business at any town or city other than Hayden, Colorado, Steamboat Springs, Colorado, and the Yampa Valley Airport at Hayden, Colorado.

(3) That all tariffs and rates for the transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per passenger effective rates of said fixed-route carrier by air so operating on schedule between said points, to be non-competitive therewith."

That, except as herein amended, Decision No. 72250 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1968.
ls

(Decision No. 72344)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DUANE BRUNO, 5571 EAST 84TH, HENDERSON, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-6058 TO FRANK A. STRONG, JR. AND CHARLES E. STRONG, DOING BUSINESS AS "STRONG BROS. EXCAVATING," 188 FEDERAL BOULEVARD, DENVER, COLORADO.	APPLICATION NO. 23355-PP-Transfer SUPPLEMENTAL ORDER

December 23, 1968

Appearances: Charles E. Strong, and Frank A. Strong, Jr., appearing individually and for the partnership of Strong Bros. Excavating; Charles E. Strong, appearing by power of attorney for Duane Bruno.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 71857, dated September 11, 1968, the Commission authorized Duane Bruno, Henderson, Colorado, to transfer Permit No. B-6058 to Frank A. Strong, Jr. and Charles E. Strong, doing business as "Strong Bros. Excavating," Denver, Colorado.

The requirements which are a condition precedent to transfer of said Permit upon our records were never complied with, and the records of the Commission show that said operating rights are the property of Duane Bruno, Henderson, Colorado.

The Commission states and finds that Decision No. 71857, dated September 11, 1968, entered by the Commission in Application No. 23355-PP-Transfer, should be set aside and the records of the Commission show that Duane Bruno is the owner of Permit No. B-6058.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 71857, dated September 11, 1968, authorizing the transfer of Permit No. B-6058, be, and the same hereby is, vacated, set aside, and held for naught, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show that Duane Bruno, Henderson, Colorado, is the owner of said Permit No. B-6058.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1968.
ls

Original

(Decision No. 72345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED MINIMUM CHARGE FOR ACCOUNT OF MOUNTAIN EXPRESS TRUCK LINE; AND ADJUSTMENTS IN VARIOUS COMMODITY ITEMS	)	CASE NO. 1585

December 23, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 22, 1968, Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed revised pages as designated in Appendix "A" attached hereto, to its Local and Joint Class and Commodity Rates, Tariff No. 12-B, Colorado PUC No. 19, which schedules are published to become effective December 30, 1968.

In support of the changes, the Commission is in receipt of communications from the carriers involved herein and the Chief of Tariff Bureau.

Item 420, Minimum Charge, for the account of Ruby D. Jackson, d/b/a Mountain Express Truck Line; Note 2 therein is being eliminated. Letter dated November 25, 1968, states:

"A considerable amount of confusion exists with our shippers, particularly interline carriers, as to what should be paid on minimums, due to the filings of all other carriers.

"This should make our minimum uniform with other carriers using this tariff."

Item 1290, Balls, grinding, from Pueblo to Climax, Colorado, is being eliminated. New provisions have been published in Item 738 of the Association's Tariff No. 13, Colorado PUC No. 12, effective July 6, 1968, as shown in Appendix "B" hereto. However, no order was entered in Case No. 1585, prescribing said item 738, as minimum charges applicable to private carriers.

The Chief of Tariff Bureau in a memorandum to the Commission states:

> "The rate of 54¢ per 100 pounds, minimum weight 30,000 pounds, which is being canceled, produces revenue of $162 per load.
>
> "Item 738 of Motor Freight Tariff No. 13, Colorado PUC No. 12, provides a rate of 36¢ per 100 pounds, minimum weight 45,000 pounds, to apply on crushing or grinding balls from Pueblo to Climax. This also produces revenue of $162 per load.
>
> "In view of the fact that the use of the rate in Item 738 produces the same or less revenue on a given shipment. It serves no possible useful purpose to maintain the rate in Item 1290 of Tariff 12-B."

Item 1290, Tariff 12-B, provided that it shall not be subject to the penalty provisions (twenty percent above the scheduled carrier rate) provided in Item 470.

In the Commission's Decision No. 53944, February 26, 1960, under a similar provision for grinding balls from Minnequa, Colorado to Portland, Colorado, the penalty rule (20%) was at issue. Protested by the Rio Grande Motor Way and an answer brief by Southwestern Transportation Company, the Commission en banc decided to not suspend in that instance.

Items 1450, 1660, 1800 and 2380, for the account of Rio Grande Motor Way, Inc., Larson Transportation, Ringsby Truck Lines, Inc., and Yuma County Transportation Co., are being amended with supporting justification by letters from Wally Fletchinger, General Traffic Manager, Rio Grande Motor Way, Inc., and J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association.

Item 1450:

> "We now find that these rates are not being utilized by the shippers and that traffic has not been moving under these rates for a considerable period of time. For this reason, we believe that the rates should be canceled as these are only paper rates in the tariff."

Item 1660:

> "The points added are at the class 200 rates which is the basis in general use by other carriers publishing rates on these commodities. This basis and the 25¢ per pound released value have been discussed with and approved by the shipper."

Items 1800 and 1820:

"It is our desire to cancel the minimum charge provisions in these two items and to allow the provisions of Item 930 to apply. Other similar provisions in the tariff, such as Items Nos. 1790 and 1810, do not contain lower minimum charge provisions than as shown in Item No. 930 for identical commodities. The present minimum charges in these two items do not reflect true carriers' cost and are non-compensatory for the handling of the traffic."

Item 2830:

"It is our request that the rates named in the second block of this item from Antonito, Colorado to Durango, Colorado, and Grand Junction, Colorado, be allowed to expire with December 31, 1968. At the same time, it is our desire to extend the expiration date to December 31, 1968, or for a one year period, from Antonito, Colorado, to both Alamosa and Monte Vista, Colorado."

The changes were requested by the shipper and hopes are maintained that shipments will continue to the other two points.

Since the proposed changes appear to represent just, fair and reasonable rates and charges, and governing provisions, the Commission finds that an order should be entered prescribing the same, under the provisions of Rule 18 (c) (1) (a).

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendixes "A" and "B" herein be, and they are hereby, made a part hereof.

2. That the rates and charges as set forth in Appendix "A" and Appendix "B" of this order, subject to the rules and regulations as provided in the aforesaid tariffs shall be the prescribed rates, rules and regulations of the Commission.

3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish, or cause to be published, tariffs reflecting the changes prescribed herein.

4. That all private carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. That on and after December 30, 1968, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent, for changes set forth in Appendix "A". The provisions set forth in Appendix "B" shall be effective nunc pro tunc as of July 6, 1968, and shall not be subject to the penalty rule of twenty (20) percent.

6. That on and after December 30, 1968, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) percent for changes set forth in Appendix "A". The provisions set forth in Appendix "B" shall be effective nunc pro tunc as of July 6, 1968, and shall not be subject to the penalty rule of twenty (20) percent.

7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. That the order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. That this order shall become effective forthwith.

10. That jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
23rd day of December, 1968. av

APPENDIX "A"

Colorado Motor Carriers' Association, Agent
Local and Joint Class and Commodity Rates
Tariff No. 12-B
Colorado PUC No. 19

Effective December 30, 1968

Item	RULES AND REGULATIONS Application
1st Revised Page 85	
420 (con-cluded)	MINIMUM CHARGE: (concluded) (1) Except as provided in Notes 1 and 2, the minimum charge for a single shipment from one consignor to one consignee on one bill of lading in one day via or in connection with the carriers named below will be: Single Line Traffic ..... $3.50 Joint Line Traffic 4.50

The provisions of this paragraph apply only via or in connection with the following carriers:

xxx other portions deleted - not pertinent here.

Ruby D. Jackson, d/b/a
Mountain Express Truck Line
(E) ♦

NOTE 2:(E) ♦ *

*(Portion eliminated.) Participation of Ruby D. Jackson, d/b/a Mountain Express Truck Line in par. (1) is restricted to apply in connection with joint line minimum charge only.

For application, see page 245

SECTION 4

Commodity Rates in cents per 100 pounds (except as noted)

Item	Commodity	From	To	Rates	Route ⓧ
1st Revised Page 252					
1290	Balls, grinding, minimum weight 30,000 pounds. (Not subject to Item 470)	Pueblo	Climax	# Ⓔ ♦	87 97 98
# 54					
1st Revised Page 259					
1450	Butter, NOI, not frozen in packages or cartons. ① Minimum weight 500 pounds ② Minimum weight 2,500 pounds ③ Minimum weight 5,000 pounds (Subject to Item 240)	Delta	Canon City Cortez Denver Durango Grand Junction	①②③ # Ⓔ ♦	87
		Hotchkiss	Denver Grand Junction		

# ①	②	③
184	170	--
160	148	135
210	194	179
147	137	125
86	80	--
214	198	182
106	98	--

1st Revised Page 265

Item	Commodity	BETWEEN	AND	Rates	Route ⓧ
1660	Containers, coin, telephone, with records and keys, in composition cases and/or Coin Receptacles, telephone, with or without coins, in composition cases, released to a value not exceeding 50¢ per pound, ≠except as noted. ② The minimum charge will be for 100 pounds at the applicable rate. ≠ Released to a value not exceeding 25¢ per pound when transported by Yuma County Transportation Co.	≠♦ Akron Aspen Colorado Springs Cortez ≠♦ Craig Durango Fairplay Glenwood Spgs Grand Junction Gunnison Meeker Ouray Pueblo Rangely Rifle Silverton Springfield ≠♦ Steamboat Spgs. Telluride ≠♦ Wray ≠ ♦Yuma	DENVER	②420 ②697 324 ②816 ②670 ②763 ②400 ②658 ②756 ②656 ②590 ②763 384 ②710 ②705 ②844 593 ②620 ②874 ②476 ②438	52 87 47 87 25 87 21 87 87 87 122 87 47 122 87 87 81 25 94 52 52

SECTION 4
Commodity rates in cents per 100 pounds (except as noted)
For application, see page 245

Item	Commodity	From	To	Rates	Route ⓧ
1st Revised Page 268					
		BETWEEN	AND	1ST REEL / #EACH ADD. REEL / %TR-LR REEL	
1800	Film, motion picture, (see Note)	Denver	Oak Creek	57 / 23 / 23	25
	Note: Advertising matter when moving with film shipments will be charged on basis of one cent per pound, with a minimum charge of 5 cents per shipment. #Additional reel rates named herein apply only on reels of 700 to 1,000 feet. On reels exceeding 1,000 feet up to 2,000 feet, the rate will be two times the rate named herein.		Steamboat Springs	57 / 23 / 23	
			Mt. Harris	57 / 23 / 23	
			Craig	78 / 35 / 35	
			Blue Mountain	91 / 33 / 33	107
			Dinosaur		
			Elk Springs		
			Skull Creek		
			Wiley's Resort		
	%Trailer reels mean reels containing films used in preview pictures of coming events and do not exceed 300 feet in length.				
	Ⓔ ♦				
1st Revised Page 269					
		BETWEEN	AND	③	
1820	Film, motion picture, exposed, packed in metal containers.	Denver	DeBeque	61	87
	③ Rates in cents per Reel.		Delta	61	
	Ⓔ ♦		Eagle	54	
	Rates include the transportation of all advertising matter used in connection with such film.		Glenwood Springs	54	
			Grand Junction	61	
			Grand Valley	61	
			Gunnison	56	
			Gypsum	54	
			Leadville	46	
			Minturn	54	
			Montrose	61	
	Actual value not exceeding $1.00 per pound. The actual value declared in writing must be entered on the shipping order and bill of lading as follows:		New Castle	60	
			Olathe	61	
			Palisade	61	
			Rifle	60	
			Silt	60	
	"The actual value of the property is hereby specifically stated by the shipper to be not exceeding $1.00 per pound for each article."				
1st Revised Page 301					
2830	Perlite Rock, Fines, in Bags, Minimum shipment 20 tons. Subject to loading by consignor and unloading by consignee.	Antonito	Colorado Springs Denver	$6.44 per ton of 2000 lbs.	87
			Alamosa	Ⓓ 21	
			Durango	Ⓔ ♦	
			Grand Junction	Ⓔ ♦	
			Monte Vista	Ⓓ 26	
	Ⓓ EXPIRES WITH DECEMBER 31, ♦ 1969 UNLESS SOONER CANCELED, CHANGED OR EXTENDED.				

Ⓔ denotes elimination

• denotes increase

/ denotes addition

d/b/a denotes - doing business as

NOI denotes "not otherwise indexed by name in the governing classification."

ROUTES:

No. 21 - South Park Motor Lines - direct.

No. 25 - Larson Transportation Company - direct

No. 47 - Red Ball Motor Freight, Inc. - direct

No. 52 - Yuma County Transportation Co. - direct

No. 81 - Red Ball Motor Freight, Inc., Lamar or Walsh, Colorado, K & K Transfer Co.

No. 87 - Rio Grande Motor Way, Inc., - direct

No. 94 - Rio Grande Motor Way, Inc., Grand Junction, or Montrose, Colorado, Telluride Transfer

No. 97 - Berta Bros. Transportation - direct

No. 98 - Eveready Freight Service, Inc., - direct

No.107 - Larson Transportation Company, Craig, Colorado, Ringsby Truck Lines, Inc.

No.122 -Harp Transportation Line - direct

APPENDIX "B"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
Motor Freight Tariff No. 13*
SECTION NO. 3
Specific Commodity Rates
Rates are in cents per 100 pounds (unless otherwise stated)

Item No.	Commodity Commodities in the same item may be shipped in straight or mixed truck loads.	From (Except as noted in individual items)	To (Except as noted in individual items)	Rates
7th Revised Page No. 38-A				
	Iron or Steel Articles viz.:	Minnequa Pueblo	Climax	36
ƒ	Balls, crushing or grinding, NOI, Minimum weight 45,000 pounds			
738 Ⓡ	Scrap, Iron or Steel, NOI. NOTE: The rate on scrap will apply only when a shipment of grinding or crushing balls has been or will be transported in the reverse direction on the same round trip.	Climax	Minnequa Pueblo	$7.00 per ton of 2000 lbs.
	This item applies via Eveready Freight Service, Inc.; Fairplay Motor Company; Transport Service, Inc., Colorado Freight Distribution, Inc., Operator of Goldstein Transportation and Storage, Inc., or Rio Grande Motor Way, Inc., only.			

ISSUED; June 5, 1968 EFFECTIVE: JULY 6, 1968

* Colorado PUC No. 12 (The Motor Truck Common Carriers' Association, Agent, Series)

ƒ denotes addition.

Ⓡ denotes reduction.

(Decision No. 72346)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EARL BALL)
1014 NINTH STREET) PUC NO. 5022
GREELEY, COLORADO 80630)
)

December 20, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 19, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20th day of December, 1968.

ls

(Decision No. 72347)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BIG SKY CORPORATION, DOING BUSINESS AS)
"SUMMIT STAGE LINE, LTD.,") PUC NO. 5894
P. O. BOX 218)
DILLON, COLORADO 80435)
-)

December 20, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 1, 1968 to and including June 1, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20th day of December 1968

ls

(Decision No. 72348)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
David B. Iles, Jr.)
364-1/2 Rosevale Rd.)
Grand Junction, Colo. 81501)
)
)
)
)

AUTHORITY NO. B-4372

CASE NO. 1313-H-Ins

December 27, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
27th day of December, 1968 . rs

(Decision No. 72349)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARSHALL B. WOOLEN, 508 WEST 4TH STREET, CORTEZ, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 23463-PP

December 30, 1968

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 21, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice, the application was called for hearing -- by Commission Examiner Robert L. Pyle -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such notice, failed to appear in person or by representative.

The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein instant application be dismissed for failure to prosecute.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23463-PP be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.

sl

(Decision No. 72350)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD J. SHOWERS, BOX 4, DOLORES,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 23405-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

December 30, 1968

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 13, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice, the application was called for hearing -- by Commission Examiner Robert L. Pyle -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such notice, failed to appear in person or by representative.

The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein instant application be dismissed for failure to prosecute.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23405-PP be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.
sl

(Decision No. 72351)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES GERALD METCALF, DOING BUSINESS AS "CHARLES G. METCALF," BOX 171, SILT, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 23417-PP

December 30, 1968

Appearances: Charles Gerald Metcalf, Silt, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 23, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.

2. Applicant does not hold previously granted authority from this Commission.

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of:

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Charles Gerald Metcalf, doing business as "Charles G. Metcalf," Silt, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportaion of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.
sl

(Decision No. 72352)

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 STATION AT PALISADE, COLORADO, FOR A PORTION OF EACH YEAR.) APPLICATION NO. 23502

December 30, 1968

S T A T E M E N T

BY THE COMMISSION:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies operating in the State of Colorado, The Denver and Rio Grande Western Railroad Company (Rio Grande) did on November 22, 1968, file the instant application seeking authority to close and withdraw the Palisade Agency Station except for an open period between July 16 to September 16 of each year.

Palisade (Population 860) is located near the east end of the Clifton-Palisade Orchard Area along the Colorado River. It is 15 miles east from the agency station at Grand Junction and is on State Highways 4 and 340, with an interchange connection to Interstate 70 (U.S. 6 and 24). Principal occupation of the area is agricultural, with emphasis on large scale orchards producing apples, apricots, peaches and pears.

Palisade is served by an Agent between 9:00 A.M. and 6:00 P.M. on Mondays through Fridays. Rail traffic will average 10 trains per day; passenger service is by the California Zephyr trains which stop at Grand Junction; train movements are under Centralized Traffic Controls operated by the Rio Grande dispatcher at Grand Junction. Applicant states the Agency Station at Palisade is not necessary for operational purposes of the railroad; that the "off-season" freight business can be handled by the Agent at Grand Junction; that if the Agency at Palisade is closed, the switching service for spotting and picking up railroad cars will remain the same; that no L.C.L. business

is handled by rail but is moved by Rio Grande Motorway, Inc., in truck service to and from Palisade via Grand Junction and Glenwood Springs; that Railway Express business is handled in an R.E.A. truck-run out of Grand Junction to Palisade, which would make deliveries and pick up R.E.A. express at Palisade with business details to be handled by the separate R.E.A. agent at Grand Junction; that there is considerable volume of forwarded fruit production shipped from Palisade in July, August and September; hence proposal is made for closing of the station during remainder of the year when there is little or no station activity and only minor public convenience and necessity is involved. Supporting explanatory information was offered for Commission consideration. Proposed effective date for requested station closing is January 1, 1969.

In conformance with the Commission rules herein, public notice of the requested change was posted at the Palisade Station on November 23, 1968. Said Notice included the further directions that any public objections should be forwarded to the Public Utilities Commission. No public complaints or protests have been received by the Commission; however, in behalf of the Mesa County Peach Board of Control, Manager Oscar Jaynes submitted a request asking that the proposed open station time of sixty days (July 15 to September 15) be extended to a period of ninety days, or from July 1 to October 1 annually. In this manner agency service would be assured for seasonal variations to handle both the early and late maturing fruits.

On December 2, 1968, the Commission was informed in correspondence from the Applicant (Rio Grande Railroad) as follows:

> "As a result of further negotiations with Mr. Oscar Jaynes, Manager of the Peach Board of Control at Palisade, Colorado, we are willing to reopen the agency station at Palisade each year on July 1 (instead of July 15) and to keep it open until October 1 (instead of closing it on September 15), and this letter may be considered as an amendment to our application to close the agency station at Palisade."

It would therefore appear that in the above we have a tacit approval of the basic request for off-season station closing and likewise a demonstration by the utility of its desire to meet service needs in the area.

In Commission inquiry it was learned that a very capable agent, Mr. "Red" Davies, who has been at Palisade for many years, was now on medical retirement; that the fruit season and yield is quite variable due to moisture and weather conditions, with shipping movements ranging from July first to October first; that off-season business was light--being largely fertilizer and boxing materials. It appears also that the independent growers deliver their fruit to centralized packing and sorting sheds of the local cooperative or marketing associations for large-scale marketing and distribution. Manager of the United Fruit Growers Association confirmed that interest of the region is for assurance that an ample supply of cars is available for the shipping season and that there will be the assistance of an agent for ready billing and directions to the switching crews for car spotting and movement of the loaded cars.

Following is our compilation of exhibit material to show the comparative data and station operation for recent years:

Item:	1965	1966	1967	(Jan.-June) 1968
Carloads				
Forwarded	-	-	58	4
Received	-	-	10	14
Total Cars	-	-	68	18
Revenue Forwarded	$23,346	$5,727	$5,308	$ 436
Revenue Received	6,394	2,716	1,610	1,549
Total Revenue	$29,740	$8,443	$6,918	$1,985
Station Expense	9,091	7,606	8,253	4,755
Gain or (Loss)	$20,649	$ 837	($1,335)	($2,770)

Complete results for year of 1968 were not readily available. However, data of the Board of Control showed that about 200 cars were handled for the season, indicating the results of a good crop in comparison to previous drouth years.

Principal interest in the station operation has been centered in the seasonal fruit movement. As noted, the basic reason for proposed station closing is related to the diminishing volume of station work to be performed in the off-season period. As an alternate station, the agency at Grand Junction is open eight hours a day for five days a week to handle needs of the shipping public and the passenger trains stop at the station. Toll calls required for Palisade

business will be accepted at Grand Junction. The agent will also handle all shipping documents and the system agency of the railroad at Denver, Colorado, will continue to handle all billing and collecting of the Palisade station. Meanwhile, operating experience during the times when the Agent is off duty at Palisade has shown that train operations can be safely maintained. Hence, it appears reasonable that the instant request be made for station closing during the off-season period when only minimum public inconvenience may result.

It is therefore the belief of the Commission that the proposed seasonal station closing is compatible with the public interest, and in the absence of protests thereto, the Commission determined to hear, and has heard said matter forthwith, without further notice upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the foregoing Statement is hereby made a part of these Findings by reference.

That safe and economical railroad operation does not require the maintenance of a year-around Agent at the Palisade Station, Mesa County, Colorado.

That there will be a continuation of local switching service and trackage; which, with only minor inconvenience on the whole, will be adequate to meet requirements of the Palisade area.

That motor carrier services of Rio Grande Motorway, Inc. for movement of L.C.L. traffic will be continued.

That R.E.A. Express service will be provided in truck service, with business details to be handled by the Express Agent at Grand Junction, Colorado.

That the expenses involved in maintaining an Agent at Palisade are not justified during the "off-season" period when there is no local fruit movement.

That there is need for Agent service at the Palisade Station during the yearly harvest season movement of fruit, which may occur as early as July first and possibly extend to October first, with certain demand existing during the interval July 15th to September 15th.

That the public convenience and necessity no longer require year-around maintenance of an Agency Station at Palisade, Colorado, by Applicant, The Denver and Rio Grande Western Railroad Company, and that authority should be granted for Agency discontinuance during the "off-season" period when there is no local fruit movement.

O R D E R

THE COMMISSION ORDERS:

That Applicant herein, The Denver and Rio Grande Western Railroad Company, be, and is hereby authorized to discontinue year-around Agency service at Palisade, Mesa County, Colorado, and to thereafter maintain same as a pre-pay or non-agency station served through the Agency office at Grand Junction, Colorado; except that Agency service on a seasonal basis shall be provided each year at Palisade for movement of the local fruit harvest during the period from July first to October first.

That during other times of unforeseen demand for station services necessary personnel on a temporary basis, may be brought in and withdrawn as required to meet the public needs.

That continued handling of Railway Express shipments, as moving in truck service shall be provided to Palisade patrons, with business details to be transacted through the Express Agency Office at Grand Junction, Colorado.

That charges for telephone toll calls of Palisade patrons relative to railroad business shall be accepted by the Agency station of Applicant at Grand Junction, Colorado.

That reference shall be made to this Decision in the respective tariff schedules to show closing of the Palisade Agency office and as authority for such action.

That the Commission shall retain jurisdiction in this matter, to make such further order or orders as may be required.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.

ls

(Decision No. 72353)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARTHA M. PROTHE, EXECUTRIX OF THE ESTATE OF ARNOLD REINHARD PROTHE, DECEASED, DOING BUSINESS AS "GREELEY-LONGMONT EXPRESS LINE," 2330 - 6TH AVENUE, GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 6704 TO FRANK A. BERGER AND THYRA L. BERGER, AS JOINT TENANTS, DOING BUSINESS AS "GREELEY-LONGMONT EXPRESS LINE," 1625 FAIRACRES ROAD, GREELEY, COLORADO.

APPLICATION NO. 23471-Transfer

December 30, 1968

Appearances: R. E. Waldo, Esq., Greeley, Colorado, for Transferor and Transferee
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Colorado Cartage Co., Inc., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 22, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity No. 6704.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing, Protestant, Colorado Cartage Company, withdrew its Protest but wished to remain a party of record for purposes of receiving copy of Order only."

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Arnold Reinhard Prothe, now deceased, was formerly the owner and operator of Certificate of Authority PUC No. 6704, which is the subject of this proceeding.

2. Said authority has been continually operated in the past and is presently in good standing with the Commission.

3. Upon the death of the said Arnold Reinhard Prothe, his widow, Martha M. Prothe, was appointed Administratrix pursuant to Letters of Administration dated October 8, 1968.

4. It should be noted that the title of this application refers to "Executrix". However, Arnold Reinhard Prothe died intestate and, therefore, proper reference would be "Administratrix".

5. Pursuant to Order of the District Court, In and For the County of Weld, State of Colorado, In the Matter of the Estate of Arnold Prothe, the Administratrix was ordered to sell the Personal Property, which included this authority, at Private Sale.

6. Transferees hold no previously granted authority from this Commission.

7. The consideration paid for the authority is fair and reasonable.

8. The Certificate is free and clear of any debts, encumbrances or obligations.

9. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

10. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

11. The present authority refers to a route "via Milliken, Johnstown and Mead". There are obviously different routes between these cities. However, in the past, the following route has been used:

    Starting at Greeley, he takes U. S. Highway 34 to the intersection with State Highway 257, then south on State Highway 257 to Milliken, then west on State Highway 60 from Milliken through Johnstown to Interstate Highway 25, he then goes south on Interstate Highway 25 to a point one mile east of Mead where he takes a county road into Mead, then south from Mead on the same county road to State Highway 66, then west on State Highway 66 to U. S. Highway 287, then south on U. S. Highway 287 to Longmont. He returns by the same route.

12. In redescribing the authority, the route should be designated as hereinafter set forth.

13. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

14. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of her right, title and interest in and to PUC No. 6704 to Frank A. Berger and Thyra L. Berger, as joint tenants, doing business as "Greeley-Longmont Express Line", and that henceforth the full and complete authority under said PUC No. 6704 shall read as follows, to-wit:

"Transportation -- on schedule -- of

(1) Passengers and their baggage and express

Between Greeley, Colorado, and Longmont, Colorado, over U.S. Highway 34 to the junction of Colorado 257; thence south on Colorado 257 to the junction of Colorado 60; thence west on Colorado 60 to the junction of Interstate Highway 25; thence south to the junction of Colorado Highway 66; thence west on Colorado 66 to the junction of U.S. Highway 287; thence south on U.S. Highway 287 to Longmont, Colorado, serving the intermediate points of Johnstown, Colorado, and Milliken, Colorado, and the off-route point of Mead, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter

modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order,

O R D E R

THE COMMISSION ORDERS:

That Martha M. Prothe, Administratrix of the Estate of Arnold Reinhard Prothe, Deceased, doing business as "Greeley-Longmont Express Line," Greeley, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 6704 to Frank A. Berger and Thyra L. Berger, doing business as "Greeley-Longmont Express Line," Greeley, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 6704 shall read and be as follows, to-wit:

Transportation -- on schedule -- of

(1) Passengers and their baggage and express

Between Greeley, Colorado, and Longmont, Colorado, over U. S. Highway 34 to the junction of Colorado 257; thence south on Colorado 257 to the junction of Colorado 60; thence west on Colorado 60 to the junction of Interstate Highway 25; thence south to the junction of Colorado Highway 66; thence west on Colorado 66 to the junction of U.S. Highway 287; thence south on U.S. Highway 287 to Longmont, Colorado, serving the intermediate points of Johnstown, Colorado, and Milliken, Colorado, and the off-route point of Mead, Colorado.

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

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

That the right of tranferees to operate under this Order shall depend upon the prior filing of the Annual Report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.
sl

(Decision No. 72354)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER CHAPTER 115-9-4 (2), CRS 1963, FOR THE TEMPORARY OR SEASONAL MOVEMENT OF SUGAR BEETS AND SUGAR BEET PULP.

APPLICATION NO. 23539
EMERGENCY DISTRICT 16-68

December 30, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Supervising Transportation Representative, Enforcement Division of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Delta, El Paso, Kiowa, Kit Carson, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Sedgwick, Washington, Weld and Yuma, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets or sugar beet pulp in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Delta, El Paso, Kiowa, Kit Carson, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Sedgwick, Washington, Weld and Yuma, Colorado, and that the present or future public convenience and necessity

requires or will require, the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided by Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following:

O R D E R

THE COMMISSION ORDERS:

That temporary certificates, be, and hereby are authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in only the Counties of Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Delta, El Paso, Kiowa, Kit Carson, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Sedgwick, Washington, Weld, and Yuma, State of Colorado; provided, however, that said certificates shall be effective for only a period of SIXTY (60) DAYS commencing December 31, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.
gf

(Decision No. 72355)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF STUART ROGELL, DOING BUSINESS AS "HOFFMAN TRANSFER CO.," 2921 WALNUT STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 453 AND PUC NO. 453-I TO HOFFMAN TRANSFER COMPANY, A COLORADO CORPORATION, 2921 WALNUT STREET, DENVER, COLORADO.	APPLICATION NO. 23476-Transfer
IN THE MATTER OF THE APPLICATION OF STUART ROGELL, DOING BUSINESS AS "HOFFMAN TRANSFER CO.," 2921 WALNUT STREET, DENVER, COLORADO FOR AUTHORITY TO TRANSFER PUC NO. 2500 AND PUC NO. 2500-I TO HOFFMAN TRANSFER COMPANY, A COLORADO COPORATION, 2921 WALNUT STREET, DENVER, COLORADO.	APPLICATION NO. 23477-Transfer
IN THE MATTER OF THE APPLICATION OF STUART ROGELL, DOING BSUINESS AS "HOFFMAN TRANSFER CO.," 2921 WALNUT STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3510 TO HOFFMAN TRANSFER COMPANY, A COLORADO CORPORATION, 2921 WALNUT STREET, DENVER, COLORADO.	APPLICATION NO. 23478-Transfer

December 30, 1968

Appearances: Joseph F. Nigro, Esq., Denver, Colorado, for Applicants; T. Peter Craven, Esq., Denver, Colorado, for Red Ball Motor Freight, Inc.; Northeastern Motor Freight, Inc.; Goldstein Transportation & Storage, Inc.; and Westway Motor Freight, Inc., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 16, 1968, the above-entitled applications were filed requesting authority to transfer Certificates of Public Convenience and Necessity PUC No. 453, PUC No. 453-I, PUC No. 2500, PUC No. 2500-I, and PUC No. 3510.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

Matters which were considered by the Examiner, prior to the taking of evidence on the applications, have been submitted to the Commission in the following exact mannyer, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Motion for Continuance was made by Applicant so as to allow Applicant to file amended applications herein. Said Motion was agreed to by Protestants and granted by Examiner. The Applicant was further instructed to file such amended application promptly so that adequate notice could be given of such a hearing to be held on January 10, 1969."

The record transmitted by the Examiner discloses that a Motion for Continuance was made and that said Motion was granted and approved by the Examiner.

The ruling by the Examiner granting said Motion for Continuance is hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Applications No. 23476-Transfer, No. 23477-Transfer and No. 23478-Transfer, be, and are hereby, continued and reset for hearing at 10:00 o'clock A.M. on January 10, 1969, in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.

gf

(Decision No. 72356)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARION A. JONES AND LYDIA V. JONES, DOING BUSINESS AS "JONES PAPER SALVAGE," 415 SYCAMORE STREET, FORT COLLINS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 23441

December 27, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 19, 1968 the Applicant herein, Marion A. Jones and Lydia V. Jones, doing business as "Jones Paper Salvage," through their attorney, John P. Thompson, filed a Petition for Rehearing on the above-captioned application, and caused copies of said Petition to be served by mail upon William Andrew Wilson, Esq., attorney for the Protestants, and upon Dalton O. Ford, of the Staff of the Commission.

The Commission has carefully considered said Petition filed herein, and is of the opinion, and finds that said Petition should be denied.

O R D E R

That Petition filed with the Commission by John P. Thompson, Attorney for and on behalf of Marion A. Jones and Lydia V. Jones, doing business as "Jones Paper Salvage," be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of December, 1968.

sl

(Decision No. 72357)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLE JUICE, EDIBLE SYRUP AND VINEGAR, IN BULK, IN TANK VEHICLES, BETWEEN POINTS ON THE WESTERN SLOPE OF COLORADO, AND DENVER, COLORADO.

INVESTIGATION AND SUSPENSION
Docket No. 622

December 27, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Bulk Transporters, Inc., by its attorneys, Jones, Meiklejohn, Kehl & Lyons, filed a Petition to Intervene in the above-captioned proceeding and caused copy of said Petition to be served by mail upon James E. Chelf, President, Jim Chelf, Inc., Respondent, in this proceeding.

The Commission states and finds that Applicant for intervention, Bulk Transporters, Inc., is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Petition to Intervene of Bulk Transporters, Inc. be, and the same hereby is, granted.

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of December, 1968.

sl

ATTEST: A TRUE COPY

William D. Mitchell, Executive Secretary

(Decision No. 72358)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN GYPSUM, INC. 210 HARRISON STREET FORT LUPTON, COLORADO, Complainant, vs. DENVER AND RIO GRANDE WESTERN RAILROAD CO. 1531 STOUT STREET DENVER, COLORADO, AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO. 200 UNION DEPOT DENVER, COLORADO, Respondents.	CASE NO. 5383

December 27, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 16, 1968, Rocky Mountain Gypsum, Inc., through its attorney, John P. Thompson, filed a Petition for Suspension of Amendment 5 to Freight Tariff 6372-L of The Denver and Rio Grande Western Railroad Company, pending decision of Public Utilities Commission Case No. 5383, and to consider and decide the issues raised in said Petition at the same time and place as it considers and decides the issues in Case No. 5383, and caused a copy of said Petition to be served upon The Denver and Rio Grande Western Railroad Company by mailing said copy to J. R. Cook, Manager-Pricing.

The Commission has carefully considered said Petition filed herein, and is of the opinion, and finds that said Petition should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition filed with the Commission by John P. Thompson, Attorney for and on behalf of Rocky Mountain Gypsum, Inc., be, and the same is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of December, 1968.

gf

(Decision No. 72359)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MILLER BROS., INC., BOX 1228, GREELEY, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. A-445.	APPLICATION NO. 23297-PP-Extension

December 30, 1968

Appearances: John R. Barry, Esq., Denver, Colorado, for Applicant;
Jean P. Jones and Marion F. Jones, Esqs., Denver, Colorado, for Bethke Truck Lines, Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 1, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. A-445 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carrier as indicated in the Appearance section of this Decision.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is a Colorado corporation, duly authorized and existing under the laws of the State of Colorado.

2. Applicant presently holds authority from this Commission as follows:

Certificate of Authority PUC No. 1321 and PUC No. 1321-I, which provides as follows:

"Conduct of a general cartage business in Estes Park, Colorado, and the transportation of commodities, generally, between points within a 15-mile radius of Estes Park, Colorado; transportation of commodities, except household goods, from and to points within the described Estes Park area, to and from points outside thereof, excluding and excepting, however, transportation of any commodities between Denver and Estes Park and intermediate points, and between Fort Collins or La Porte (Boettcher), and Estes Park, and intermediate points; transportation of milk from farms in Boulder and Jefferson Counties and that part of Adams County lying west of Buckley Field, to Estes Park, for the purpose of processing and bottling, including the right to transport milk from Estes Park to Buckley Field, excluding the right to transport liquid petroleum products in bulk by tank trucks;

Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;

That all duplication or overlapping authority under Permit No. A-500, PUC No. 1321 and PUC No. 1321-I, and/or PUC No. 2251, with authority presently owned and operated by transferees herein, viz., Permit Nos. B-1957 and A-445, is hereby deleted from said operating rights herein authorized to be transferred; that a Supplemental Order be entered by the Commission describing the resulting area.

Certificate of Authority PUC No. 2251, which provides as follows:

Transportation of freight over the following routes: (1) Denver to Estes Park via Longmont, Lyons, and either North or South St. Vrain, and return; (2) Boulder to Estes Park via Lyons, and either North or South St. Vrain, and return; (3) Loveland to Estes Park and return; (4) Fort Collins to Estes Park, and return; (5) Greeley to Estes Park via Loveland, and return; (6) Estes Park to Drake via North Big Thompson, and return; (7) Estes Park to Grand Lake, and return; (8) Estes Park to Horseshoe Park to Moraine Park, Glacier Basin, Bear Lake, YMCA Conference Camp; to Estes Park, in either direction; (9) Grand Lake to Granby, and return; (10) Boettcher to Estes Park (sacked cement, only);

That all duplication or overlapping authority under Permit No. A-500, PUC No. 1321 & I, and/or PUC No. 2251, with authority presently owned and operated by transferees herein, viz., Permits Nos. B-1957 and A-445, is hereby deleted from said operating rights herein authorized to be transferred; that a Supplemental Order be entered by the Commission describing the resulting area.

Permit No.A-445, which provides as follows:

Freight, Denver to Fort Collins and intermediate points, and Denver to Nunn and intermediate points.

Transportation of the same commodities as presently authorized, from Ault to Fort Collins and return, via Colo. 14; Greeley to Loveland and return via US 34; Greeley to Fort Collins and return via US 34 and Colo. 259 north to Colo. 14; Greeley to Longmont and return, via US 34 & 87, with the right to run alternate routes between Denver, Greeley, and Fort Collins, and Denver, Fort Collins and Greeley and intermediate points, including the off-route points of Pierce and Nunn, Colorado.

That all duplication or overlapping authority under Permit No. A-500, PUC No. 1321 & I, and/or PUC 2251 with authority presently owned and operated by transferees herein, viz., Permits Nos. B-1957 and A-445, is hereby deleted from said operating rights herein authorized to be transferred, Supplemental Order to be entered by the Commission describing the resulting area.

Transportation of: (1) Commodities now authorized under Permit No. A-445, from and to points in a five-mile radius of Denver when shipments shall originate and terminate on the present line of said Miller Bros. Truck Line; (2) Commodities now authorized under Permit No. A-445, from and to points in a two-mile radius of Fort Collins, and the S. C. Iverson Dairy, located 3 miles northwest of Fort Collins, when shipments originate and terminate on the present line of said Miller Bros. Truck Line; (3) Commodities now authorized under Permit No. A-445, from and to points in a two-mile radius of Greeley and the Ennis Dairy, located 3 1/2 miles outside Greeley, and the Goldsmith and Lowell Paul Dairies, located three miles outside Greeley, when such shipments originate or terminate on the present line of said Miller Bros. Truck Line; (4) Commodities now authorized under Permit No. A-445, from and to the above-described area;

That all of the above transportation shall be limited to customers with whom said Miller Bros. Truck Line shall have transportation contracts.

Transportation of general freight, to serve City of Fort Collins and City of Greeley water filter plants, located approximately fourteen miles northwest of Fort Collins, Colorado; (Route to be used: Highway No. 287 to junction of said Highway and Highway No. 14; Highway No. 14 to the filter plant).

Permit No. B-1957, which provides as follows:

Transportation of farm products, excluding livestock, and including farm supplies, but excluding farm machinery and household goods, from point to point within a radius of twenty-five miles of Greeley, without the right to transport freight into or out of the towns of LaSalle, Windsor, and Fort Lupton.

That all duplication or overlapping authority under Permit No. A-500, PUC No. 1321 & I, and/or PUC 2251, with authority presently owned and operated by transferees herein, viz., Permits Nos. B-1957 and A-445, is hereby deleted from said operating rights herein authorized to be transferred, a Supplemental Order to be entered by the Commission describing the resulting area.

3. With respect to references to Permit No. A-500 contained in the authorities, it should be noted that said authority, Permit No. A-500, has been cancelled.

4. It should be noted that all of the authorities contain a paragraph to the effect that all duplication or overlapping authority contained in said authorities "is hereby deleted from said operating rights; that a Supplemental Order be entered by the Commission describing the resulting area". No Supplemental Order was ever issued by the Commission describing the "resulting area". However, the wording would seem to imply that duplicating and overlapping authority is, in fact, deleted from the operating rights contained in the authorities.

5. By this application, Applicant seeks to extend Permit No. A-445 so as to authorize Applicant to serve:

   (1) The Fort-St. Vrain Generating Station located in Weld County, Colorado, and

   (2) Those customers located within a five-mile radius of the City of Fort Collins, Colorado.

6. There is presently a Complaint Case pending before the Commission against the Applicant and involving certain of its authorities.

7. The application, as it pertains to "serving the Fort-St. Vrain Generating Station located in Weld County, Colorado" was protested by Bethke Truck Lines, which presently has authority to serve said Fort-St. Vrain Nuclear Generating Station of the Public Service Company of Colorado located near Platteville, Colorado, under its Certificate of Authority PUC No. 523. Said Protestant does not protest the other portion of the Extension "to serve those customers located within a five-mile radius of the City of Fort Collins, Colorado".

8. It would not be in the public interest to grant an extension to Applicant until such time as the authorities held by Applicant have been clarified and redescribed as provided in the bodies of the authorities.

9. It would not be in the public interest to grant this extension until the Complaint Case against the Applicant pending before this Commission has been determined.

10. To grant this application as contract carriage would allow Applicant to take only such business as might be lucrative and not render other service and, further, to discontinue the service at such time as it might choose to do so. It would, therefore, not be in the public interest to grant the private carriage as requested in this application.

11. The proposed service under the extension applied for would not be within the purview of private carriage and, in fact, if this application were granted, Applicant intends to render a service in the nature of the common carriage.

12. The proposed operation, as applied for herein, would impair the efficient public service of authorized common carriers adequately serving the same territory over the same general route or routes.

13. The application should be denied.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order denying the application.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23297-PP-Extension, be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.

ls

(Decision No. 72360)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SALIDA-CANON TRUCKING, INC., DOING BUSINESS AS "CENTRAL COLORADO TRUCKING CO.," 1517 H STREET, SALIDA, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NO. 1554.	APPLICATION NO. 23448-Extension

December 30, 1968

Appearances: John P. Thompson, Esq., Denver, Colorado, for Applicant;
T. Peter Craven, Esq., Denver, Colorado, for Don Camper, Inc., Protestant;
John J. Conway, Esq., Denver, Colorado, for Berta Brothers Transportation, Salida Transfer Company and Eveready Freight Service, Inc., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 27, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1554 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Motion for continuance was made by Applicant and agreed to by Protestants, which Motion was granted.

Motion to amend the application was made by Applicant so as to provide for a restriction as follows:

"that no transportation of ores and concentrates shall be performed locally between any two points located in Custer County, Colorado" and, further, to insert the word "Salida" before the word "authority" in Paragraph 3 of the application.

The Motion to Amend, being restrictive in nature, was granted; whereupon, Protestant, Don Camper, Inc., withdrew its Protest but remained a party to the proceedings for purposes of receiving copy of Order.

The word "Salida" was added by way of interlineation, as indicated."

The record transmitted by the Examiner discloses that a Motion for Continuance was made and that said Motion was granted and approved by the Examiner.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23448-Extension, be, and is hereby, continued and reset for hearing at 10:00 o'clock A.M. on February 7, 1969, in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.

ls

(Decision No. 72361)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL O. SKILES, BOX 393, MINTURN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.) APPLICATION NO. 23450-PP

December 30, 1968

Appearances: Earl O. Skiles, Minturn, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 11, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.

2. Applicant does not hold previously granted authority from this Commission.

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests;

(2) Rough lumber

From sawmills in said 75-mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against town-to-town service."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and --

in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Earl O. Skiles, Minturn, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests;

(2) Rough lumber

From sawmills in said 75-mile radius to markets in the State of Colorado.

RESTRICTION:

Items 1 and 2 of this Permit are restricted against the rendering of any town-to-town service;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1968.
ls

(Decision No. 72362)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
NATIONAL CONSTRUCTION COMPANY INC.) AUTHORITY NO. M 4545
3100 Pearl Street)
Boulder, Colorado 80301) CASE NO. 3793-M-Ins.
)
)
)

January 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 26, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
3rd day of January, 1969.

(Decision No. 72363)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEO H. POOL, BOX 612, DOLORES,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 23458-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

January 2, 1969

Appearances: Leo H. Pool, Dolores, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 21, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.

2. Applicant does not hold previously granted authority from this Commission.

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 50 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 50 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

RESTRICTION:

Item Nos. 1, 2, 3 and 4 are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests;

(6) Rough lumber

From sawmills in said 100-mile radius to markets in the State of Colorado.

RESTRICTION:

Item Nos. 5 and 6 are restricted against town-to-town service."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Leo H. Pool, Dolores, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 50 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 50 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests;

(6) Rough lumber

From sawmills in said 100-mile radius to markets in the State of Colorado.

RESTRICTION:

Items 5 and 6 of this Permit are restricted against the rendering of any town-to-town service;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

ls

(Decision No. 72364)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES F. SHUMATE, A. PAUL SHERMACK AND EDWARD B. ALMON, AS TRUSTEES OF THE WILLIAM F. MARLAR MEMORIAL FOUNDATION, INC., FOR APPROVAL OF TRANSFER OF 20,000 SHARES OF STOCK FROM FRIEDA M. MARLAR, DECEASED, SAID STOCK BEING THE ENTIRE OUTSTANDING AND CONTROLLING INTEREST IN AND TO CABS, INC., DOING BSUINESS AS "DOLLAR CAB LINE, OPERATING ZONE CABS," RECORD OWNER AND OPERATOR OF PUC NO. 1221, TO SAID WILLIAM F. MARLAR MEMORIAL FOUNDATION, INC.	APPLICATION NO. 23282-Stock Transfer

January 2, 1969

Appearances: John F. Mueller, Esq., Denver, Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 12, 1968, the above-entitled application was filed requesting authority to transfer all of the outstanding capital stock (20,000 shares) of Cabs, Inc., doing business as "Dollar Cab Line, operating Zone Cabs," record owner of Certificate of Public Convenience and Necessity PUC No. 1221, to the William F. Marlar Memorial Foundation, Inc.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. During here lifetime, Frieda M. Marlar, was the owner of 20,000 shares of the capital stock which was the entire outstanding and controlling interest in and to Cabs, Inc., doing business as "Dollar Cab Line operating Zone Cabs," which is the record owner and operator of Certificates of Authority PUC No. 1221 and PUC No. 234.

2. Under date of August 24, 1967, and still during her lifetime, the said Frieda M. Marlar transferred, by gift, the aforementioned stock to "The William F. Marlar Memorial Foundation, Inc."

3. Commission approval of the transfer of stock from the said Frieda M. Marlar to "The William F. Marlar Memorial Foundation, Inc." was not obtained because of the illness and subsequent death of the said Frieda M. Marlar and because those involved failed to apply to do so because of other pressing matters.

4. The purpose of this application is to seek approval of the transfer of the stock on August 24, 1967, from Frieda M. Marlar, an individual, to "The William F. Marlar Memorial Foundation, Inc.," a Colorado Non-Profit Corporation.

5. One of the Certificates of Authority involved herein, PUC No. 1221, provides generally for "the transportation of passengers and their personal baggage in taxicab service within the City and County of Denver and between points therein to and from points within an eighty-five mile radius of 16th and Champa Streets in Denver with certain restrictions;" and, further, the authority provides for "transportation on call and demand of packages, parcels, baggage, messages, letters, papers and documents from basically the Denver Metropolitan area, to and from Rocky Flats and the Martin Company in Jefferson County with certain restrictions."

6. The authority has been extended on two occasions and, for purposes of clarification, should be redrafted as hereinafter set forth.

7. Cabs, Inc., doing business as "Dollar Cab Line operating Zone Cabs," also holds Certificate of Authority PUC No. 234, which presently provides as follows:

"Transportation of passengers from Sheridan Blvd. and W. Colfax Avenue to J.C.R.S. and Craig Colony and return, but not to any intermediate points;

passengers between W. Colfax and Sheridan and Howell Avenue (now Kipling St.) and the Rifle Range and Morrison Road and W. 25th Ave. subject to the following conditions;

Certificate shall only be operatible between W. Colfax and Sheridan Blvd. and Howell Ave. (now Kipling St.) and the Rifle Range as long as applicant maintains his proposed tariffs of $1.00 to the Rifle Range and 50¢ to Howell Ave. unless otherwise modified by the Commission;

transportation of passengers and their baggage, on call and demand, within the area bounded by Sheridan Blvd. on the east, Morrison Road on the south; West 38th Ave. on the north and a line drawn through Rifle Range, parallel to Sheridan Blvd., on the west, without the right to transport passengers from points in said area to points in Park of the Red Rocks, or to other scenic points, if any, in said area, in sightseeing service."

8. Certificate of Authority PUC No. 234, when originally issued, appeared to be more of a line-haul scheduled authority than the intended taxicab operation. The Commission, by its Decision No. 27016, dated June 5, 1946, clarified previous Decisions but still did not specify "taxicab service."

9. Certificate of Authority PUC No. 234 has been operated since its inception as a taxicab authority and, in the rewrite of the authority, it should be so designated.

10. Paragraphs 1 and 2 of Certificate of Authority PUC No. 234 are either overlapped or duplicated by other authority and should be deleted.

11. Paragraph 3 of Certificate of Authority PUC No. 234 is presently irrelevant and immaterial and should be deleted.

12. Certificate of Authority PUC No. 234 makes reference to "Rifle Range" which, in fact, refers to Camp George West, has always been interpreted as such and should be changed in the rewrite of the authority accordingly.

13. Certificate of Authority PUC No. 234 should be redrafted as hereinafter set forth.

14. "The William F. Marlar Memorial Foundation, Inc." was set up by Frieda M. Marlar in memory of her husband, William F. Marlar, following his death, and the purpose of said Foundation is to provide funds for the education of worthy persons at certain colleges and universities and for scientific research at said colleges or universities for scientific research in physics, chemistry or mathematics as related to exploration in space. The Foundation has no other authority with this Commission.

15. The present officers and trustees of the Foundation are Edward B. Almon, President; A. Paul Shermack, Vice President; James F. Shumate, Treasurer; and John F. Mueller, Secretary. Mr. Mueller was appointed to the Board of Trustees to fill the vacancy of Frieda M. Marlar following her death.

16. The authorities operated by Zone Cabs are presently in good standing with the Commission and are free and clear of any debts, encumbrances or obligations.

17. The operations of Zone Cabs, under its Certificate, are to continue unchanged for all practical purposes and the Transferees of the stock of Cabs, Inc. (the subject of this proceeding) have engaged the services of the present manager as well as other personnel of the company.

18. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

19. The chief corporate officers and trustees, as well as the employees of the Transferee corporation, are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

20. If this transfer is approved, Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

21. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing and approving the transfer of all the outstanding capital stock of Cabs, Inc., doing business as "Dollar Cab Line operating Zone Cabs," record owner and operator of Certificates of Authority PUC No. 234 and PUC No. 1221 and that henceforth the full and complete authority under Certificates of Authority PUC No. 234 and PUC No. 1221 shall read as follows, to-wit:

Certificate of Authority PUC No. 234:

"Transportation -- in taxicab service -- of

1. Passengers and their baggage

Between points within an area bounded by Sheridan Boulevard on the east, Morrison Road on the south; West 38th Avenue on the north; and a line drawn through Camp George West parallel to Sheridan Boulevard on the west.

RESTRICTION:

Restricted against performing sightseeing service."

Certificate of Authority PUC No. 1221:

"Transportation -- in taxicab service -- of

1. Passengers and their baggage

   Between all points within the City and County of Denver, Colorado, and between said points on the one hand and points within an eighty-five (85) mile radius of 16th and Champa Streets, Denver, Colorado.

RESTRICTIONS:

(a) Restricted against service originating within a fifteen (15) mile radius of the following cities, to-wit: Boulder, Fort Collins, Greeley, Longmont, and Loveland, Colorado, except that area of said radius that lies within a twelve mile radius of 16th and Champa Streets, Denver, Colorado.

(b) Restricted to the use of vehicles rated by manufacturers as five (5) passengers, plus driver.

Transportation -- on call and demand -- of

2. Packages, parcels, baggage, messages, letters, papers, and documents.

   Between all points within a sixteen (16) mile radius of 16th and Champa Streets, Denver, Colorado, and between said points on the one hand and that area in Jefferson County known as Rocky Flats and the Martin Company Plant near Waterton, Colorado, on the other hand.

RESTRICTIONS:

(a) Transportation service rendered shall be performed in taxicabs, only;

(b) Individual items transported shall not exceed fifty (50) pounds in weight;

(c) Each delivery from one origin to one destination shall be charged as though one passenger had been transported from that origin to that point of delivery, in addition to any extra charge made for leasing the vehicle to pickup or deliver such item.

RESTRICTION:

(a) Maximum number of vehicles to be used in the conduct of operations under both Items 1 and 2 combined shall not exceed forty-seven (47)."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the

submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That James F. Shumate, A. Paul Shermack and Edward B. Almon, as Trustees of the William F. Marlar Memorial Foundation, Inc., be, and hereby are, authorized to transfer all of the outstanding capital stock (20,000 shares) of Cabs, Inc., doing business as "Dollar Cab Line, operating Zone Cabs," Denver, Colorado, record owner of PUC No. 1221 to said William F. Marlar Memorial Foundation, Inc., subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 234 shall read and be as follows, to-wit:

Transportation -- in taxicab service -- of

Passengers and their baggage

Between points within an area bounded by Sheridan Boulevard on the east; Morrison Road on the south; West 38th Avenue on the north; and a line drawn through Camp George West parallel to Sheridan Boulevard on the west.

RESTRICTION:

Restricted against the rendering of any sightseeing service.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1221 shall read and be as follows, to-wit:

1. Transportation -- in taxicab service -- of

   Passengers and their baggage

   Between all points within the City and County of Denver, Colorado, and between said points on the one hand and points within an eighty-five (85) mile radius of 16th and Champa Streets, Denver, Colorado

RESTIRCTION:

Item 1 of this Certificate is restricted in the following manner, to-wit:

(a) Against the rendering of any service originating within a fifteen (15) mile radius of the following cities of the State of Colorado: Boulder, Fort Collins, Greeley, Longmont, and Loveland, except that area of said radius that lies within a twelve (12) mile radius of 16th and Champa Streets, Denver, Colorado.

(b) Restricted to the use of vehicles rated by manufacturers as five (5) passengers, including driver.

(c) The number of vehicles to be used in the conduct of operations hereunder shall not exceed 47 in number.

2. Transportation -- on call and demand -- of

Packages, parcels, baggage, messages, letters, papers, and documents.

Between all points within a sixteen (16) mile radius of 16th and Champa Streets, Denver, Colorado, and between said points on the one hand and that area in Jefferson County known as Rocky Flats and the Martin Company near Waterton, Colorado, on the other hand.

RESTRICTION:

Item 2 of this Certificate is restricted in the following manner, to-wit:

(a) All transportation service to be rendered hereunder shall be performed in only taxicabs;

(b) Individual items transported shall not exceed fifty (50) pounds in weight;

(c) Each delivery from one origin to one destination shall be charged as though one passenger has been transported from that origin to that point of delivery, in addition to any extra charge made for leasing the vehicle to pickup or deliver such item.

(d) The number of vehicles to be used in the conduct of operations hereunder shall not exceed 47 in number.

That said transfer of stock shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file written acceptance of the terms

of this Order on or before the effective date of this Order shall automatically revoke the authority granted herein to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

gf

(Decision No. 72365)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DONALD E. KEMP, DOING BUSINESS AS) PERMIT NO. M-8770
"KEMP'S SERVICE STATION GARAGE",)
BOX 315)
ARRIBA, COLORADO 80804)
)

January 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 20, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

ls

(Decision No. 72366)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
T. OTIS WITCHER, DOING BUSINESS AS) PERMIT NO. M-13039
"WITCHER SAWMILL & LUMBER CO.,")
PAGOSA SPRINGS, COLORADO)
81147)

January 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 14, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.
ls

(Decision No. 72367)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SAMUEL MARTIN LEE)
363 SOUTH THIRD AVENUE)
BRIGHTON, COLORADO 80601)
)
)

PERMIT NO. M-4935

January 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 5, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

ls

(Decision No. 72368)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT L. TODD, DOING BUSINESS AS)
TODD'S SERVICE",) PERMIT NO. M-7192
1304 NORTH COLLEGE, P.O. BOX 2142)
FORT COLLINS, COLORADO 80522)
-)

January 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 26, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

ls

(Decision No. 72369)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
J. E. SHAMBURGER)
P. O. BOX 486)
TUCUMCARI, NEW MEXICO 88401)
)

PERMIT NO. M-4630

January 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 18, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

ls

(Decision No. 72370)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JESS EDWARDS, INC.)
P. O. BOX 1091) PUC NO. 1485-I
CORPUS CHRISTI, TEXAS)

January 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 31, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

ls

(Decision No. 72371)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GEORGE E. OLIVER)
ROUTE 2, BOX 210) PERMIT NO. B-6629
MONTROSE, COLORADO 81401)
)
)
- - - - - - - - - - - - - - - - - - - -

January 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 19, 1968 to and including June 19, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

ls

(Decision No. 72372)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF WARREN H. & VIVIAN M. FREAD, DOING BUSINESS AS "CRAIG CAB CO.," CRAIG, COLORADO 81626

PUC NO. 1290

January 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 24, 1968 to and including June 24, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

ls

(Decision No. 72373)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CENTRAL TELEPHONE & UTILITIES CORPORATION, A CORPORATION, FOR AUTHORITY TO ISSUE AND SELL UP TO $15,000,000 AGGREGATE PRINCIPAL AMOUNT OF NOTES.	)	APPLICATION NO. 23525 Securities

January 3, 1969

Appearances: Harry S. Petersen, Esq., Pueblo, Colorado, and Melvin A. Hardies, Esq., Chicago, Illinois, for Applicant; Girts Krumins, Esq., Denver, Colorado, for the Staff of the Commission, and James A. VanderWal, Denver, Colorado, of the Staff of the Commission.

STATEMENT

BY THE COMMISSION:

Central Telephone & Utilities Corporation (Applicant) filed Application No. 23525-Securities with this Commission on December 13, 1968. By such application, Applicant seeks authority of this Commission to issue up to $15,000,000 principal amount of unsecured promissory notes. Said application was set for hearing after due notice to all interested parties, in compliance with the statutes of the State of Colorado and the rules and regulations of this Commission, at 9:00 o'clock A.M. on Monday, December 30, 1968, in Room 507, Columbine Building, Denver, Colorado and was then and there heard by the Commission and taken under advisement. No petitions were filed in opposition to the application, and no one appeared at the hearing opposing the authority sought by the application.

Applicant is a Kansas corporation. A certified copy of its authorization by the Secretary of State of Colorado to do business in the State of Colorado as a foreign corporation is on file with the Commission. Its principal office in Colorado is at 115 West Second Street, Pueblo, Colorado; its general offices are at 233 South 10th Street, Lincoln, Nebraska 68508.

Applicant is engaged in the business of owning and operating electric utility properties in Colorado in the counties of Pueblo, Fremont, Teller, Custer, Otero, Crowley and El Paso and other utility properties in Kansas, Nebraska and South Dakota. Applicant also owns a majority of the common stock of Central Telephone Company and Lee Telephone Company. Central Telephone Company, in turn, owns a majority of the common stock of Central Telephone Company of Illinois, LaCrosse Telephone Corporation, Southeastern Telephone Company, Virginia Telephone & Telegraph Company, and Western Telephone Company. These subsidiaries are all engaged in the business of providing telephone service in various parts of the States of Nevada, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Virginia, North Carolina and Florida.

Applicant's witness, Melvin A. Hardies, Assistant Secretary and Assistant Treasurer of Central Telephone & Utilities Corporation, testified in summary, as follows:

Applicant proposes to issue and sell to institutional investors, through Lehman Commercial Paper, Incorporated (an affiliate of the securities firm of Lehman Bros.), up to $15,000,000 principal amount of promissory notes, substantially in the form introduced into evidence as Exhibit C. The notes constitute simple promises to pay; they are unsecured; they are not prepayable (unless maturity is accelerated by the holders for default); and they impose no covenants or restrictions upon the Applicant. The promissory notes will bear interest, payable semiannually, at a rate not in excess of 7-1/4% and they will mature not more than 4 years after date of issue. They will be sold for cash at 100% of their principal amount, subject to a fee to Lehman Commercial Paper, Incorporated, of not more than 1/2 of 1% of the principal amount of the notes sold. The notes may be issued from time to time in 1969 as the Applicant's cash requirements necessitate, but the first $10,000,000 of such notes are expected to be issued as promptly as feasible. These $10,000,000 of notes, with a 4 year maturity, have been placed on a 7% interest basis. It is expected that the notes will all be issued in substantial denominations to a limited number of investors.

The Applicant expects to apply the proceeds of the notes to the discharge of short-term indebtedness from time to time incurred for construction expenditures or investments in subsidiaries. The Applicant's short-term indebtedness is now in excess of $10,000,000.

With the prime rate for 90 day bank notes at 6-3/4% (subject, ordinarily, to the maintenance of compensating balances which substantially increase the actual interest cost) and first mortgage bonds of high-grade utilities being issued at interest costs approaching or above 7%, the Applicant deems the notes a prudent and reasonable source of necessary capital. The term of the notes will be less than the minimum non-refunding period generally now required on long-term debt obligations, which the Applicant considers an advantage in maintaining flexibility in the management of its debt.

Based upon the balance sheets of the Applicant and of the Applicant and its subsidiaries at October 31, 1968, introduced in evidence as Exhibit A, the pro forma capitalization of the Applicant, adjusted for the issuance of $15,000,000 of the notes, would be approximately 41.7% long-term debt, 13.2% preferred stock and 45.1% common stock equity; and the capitalization of the Applicant and its subsidiaries consolidated would be approximately 55.7% long-term debt, 13.5% preferred stock capital, 2.3% minority interest in subsidiaries, and 28.5% common stock equity. The Applicant considers these ratios reasonably balanced. The income statements of Applicant and of Applicant and its subsidiaries consolidated, for the twelve months ended October 31, 1968, introduced in evidence as Exhibit B, show adequate coverage for interest requirements on long-term debt, assuming issuance of the maximum principal amount of the notes.

The expense of the proposed issuance is expected to be not more than $83,000 and consists of placement fees, attorneys fees, and miscellaneous expenses.

F I N D I N G S

THE COMMISSION FINDS:

That Central Telephone & Utilities Corporation is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

That this Commission has jurisdiction of said Company and of the subject matter of the application herein.

That the Commission is fully advised in the premises.

That the foregoing Statement be, and it hereby is, adopted as part of the Findings herein.

That the proposed issue by Central Telephone & Utilities Corporation of up to $15,000,000 principal amount of notes for the purposes and on the terms hereinabove described is not inconsistent with the public interest; that such issue is permitted by law and is consistent with the provisions of Chapter 115-1-4, Colorado Revised Statutes, 1963; and that the order sought should be issued and be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That the issue by Central Telephone & Utilities Corporation of up to $15,000,000 principal amount of promissory notes for the purposes and on the terms hereinabove described be, and it hereby is, authorized and approved.

That the securities issued hereunder shall bear on the face thereof for proper and easy identification thereof a legend as follows:

C.P.U.C. Identification No. 23525.

That within thirty(30) days after each issue of notes Applicant shall file with the Commission a verified report showing the issue of such notes, including date, interest rate, principal amount and the costs and expenses incurred by the Applicant incident to such issue and the journal entries reflecting such transactions on the books of Central Telephone & Utilities Corporation.

That nothing herein shall be construed to imply any recommendation or guarantee of, or any obligation with respect to said issue of the aforementioned securities on the part of the State of Colorado.

That this Commission retain jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as it may deem to be proper and desirable.

That the authority herein granted shall be exercisable from and after this date, this Order being made effective forthwith; however, the authorization hereby granted shall expire if and to the extent that it has not been exercised by January 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of January, 1969.

sl

(Decision No. 72374)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEADVILLE TRANSIT COMPANY, INC.,)
DOING BUSINESS AS "GLOVER CHARTER)
SERVICE, INC., " P. O. BOX 177,) APPLICATION NO. 23519-PP-Extension
WOODLAND PARK, COLORADO, FOR AUTH-)
ORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-7199.)
- - - - - - - - - - - - - - - - - -

- - - - - - - - -
January 2, 1969
- - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicant herein sought authority to extend operations under Permit No. B-7199 by adding to and including as customers which it can serve under said Permit Louis E. Bowlds and Wilhelm J. Schaeffler, doing business as "Rocky Mountain News - Willy Schaeffler Ski School;" Ski J.E.T.S., Ltd., a Colorado corporation; and Loveland Ski Tow Company, a Colorado corporation.

Said application was regularly set for hearing before the Commission, at 10:00 o'clock A.M., January 3, 1969, at Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

The Commission has now been advised by Attorney for Applicant that Applicant no longer desires authority herein sought, and requests that said application be dismissed.

The Commission states and finds that the above-styled application should be dismissed, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That hearing of Application No. 23519-PP-Extension, set for January 3, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That said Application No. 23519-PP-Extension be, and the same hereby is, dismissed, upon request of Attorney for Applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 2nd day of January, 1969.

bk

(Decision No. 72375)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF P. E. HUTCHISON, INC., 328 EAST SECOND, MEDICINE LODGE, KANSAS, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO P. E. HUTCHISON, 328 EAST SECOND, MIDICINE LODGE, KANSAS.	PUC NO. 5485-I - Transfer

January 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, P. E. Hutchison, Inc., Medicine Lodge, Kansas, was granted a certificate of public convenience and necessity, being PUC No. 5485-I, authorizing operation as a common carrier by motor vehicle for hire:

> Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer said PUC No. 5485-I to P. E. Hutchison, Medicine Lodge, Kansas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That P. E. Hutchison, Inc., Medicine Lodge, Kansas, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 5485-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to P. E. Hutchison, Medicine

Lodge, Kansas, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of January, 1969.

ls

(Decision No. 72376)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN L. SHUPE AND IVAN D. SHUPE, DOING BUSINESS AS "SHUPE BROTHERS," 2600 BY PASS, GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO SHUPE BROS. CO., A COLORADO CORPORATION, 2600 BY PASS, GREELEY, COLORADO.

PUC NO. 2604-I - Transfer

January 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, John L. Shupe and Ivan D. Shupe, doing business as "Shupe Brothers," Greeley, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 2604-I, authorizing operation as a common carrier by motor vehicle for hire:

> Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer said PUC No. 2604-I to Shupe Bros. Co., a Colorado corporation, Greeley, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That John L. Shupe and Ivan D. Shupe, doing business as "Shupe Brothers," Greeley, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 2604-I -- with authority

as set forth in the Statement preceding, which is made a part hereof, by reference -- to Shupe Bros. Co., a Colorado corporation, Greeley, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of January, 1969.
ls

(Decision No. 72377)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
National Construction Co. Inc.)
3100 Pearl St.)
Boulder, Colo. 80302)
)
)
)

AUTHORITY NO. B-5038

CASE NO. 1293-H-Ins

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January 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 26, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
3rd day of January, 1969 .

rs

(Decision No. 72378)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
HANS NIELSEN DBA) AUTHORITY NO. M 15471
NIELSEN GRAIN COMPANY)
Luverne, Minnesota 56156) CASE NO. 3908-M-Ins.
)
)
)

January 6, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 26, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
6th day of January, 1969 .

(Decision No. 72379)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHESTER BAY, DOING BUSINESS AS "CHESTER BAY TRUCKING," ROUTE 3, 512 MAIN, LA JUNTA, COLORADO, FOR AN ORDER (1) REINSTATING PUC NO. 641 and PUC NO. 641-I FOR THE PURPOSE OF TRANSFER, (2) APPROVING THE TRANSFER OF SAID PUC NO. 641 AND PUC NO. 641-I TO APPLICANT FROM THE SMALL BUSINESS ADMINISTRATION, AN AGENCY OF THE UNITED STATES GOVERNMENT, AS SUCCESSOR IN INTEREST TO BEMAN MOTORS TRANSPORTATION, INC., RECORD OWNER OF SAID PUC NO. 641 AND PUC NO. 641-I, AND (3) AUTHORIZING THE MORTGAGING OF SAID AUTHORITY TO THE COLORADO BANK AND TRUST COMPANY, LA JUNTA, COLORADO.	APPLICATION NO. 23445-Transfer
IN THE MATTER OF THE APPLICATION OF CHESTER BAY, DOING BUSINESS AS "CHESTER BAY TRUCKING," ROUTE 3, 512 MAIN, LA JUNTA, COLORADO, FOR AN ORDER (1) REINSTATING PERMIT NO. B-6496 FOR THE PURPOSE OF TRANSFER, (2) APPROVING THE TRANSFER OF SAID PERMIT NO. B-6496 TO APPLICANT FROM THE SMALL BUSINESS ADMINISTRATION, AN AGENCY OF THE UNITED STATES GOVERNMENT, AS SUCCESSOR IN INTEREST TO BEMAN MOTORS TRANSPORTATION, INC., RECORD OWNER OF SAID PERMIT NO. B-6496, AND (3) AUTHORIZING THE MORTGAGING OF SAID AUTHORITY TO THE COLORADO BANK AND TRUST COMPANY, LA JUNTA, COLORADO.	APPLICATION NO. 23446-PP-Transfer

January 6, 1969

Appearances: John J. Conway, Esq., Denver, Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 1, 1968, the above-entitled applications were filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 641, PUC No. 641-I and Permit No. B-6496.

After due and proper notice to all interested persons, firms or corporations, the applications were heard by Robert L. Pyle -- duly designated

by the Commission as an Examiner for the purpose of conducting the hearing on said applications -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the applications, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Upon Motion of Applicant, these Applications, No. 23445 and 23446-PP, were consolidated for hearing."

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Beman Motors Transportation, Inc. was formerly the owner of Certificate of Authority PUC No. 641, PUC No. 641-I and Permit No. B-6496.

2. Certificate of Authority PUC No. 641 and PUC No. 641-I presently provide as follows:

"Transportation of freight and express between La Junta and Trinidad and intermediate points,

as well as a general transfer, moving and general cartage business, or 'anywhere for hire service,' within a radius of fifty miles of Thatcher;

freight, between all points in the State of Colorado and the Colorado state boundary lines, where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Amendment: transportation, in line-haul service, of freight and express, from Trinidad, Colorado, to Rocky Ford, Colorado, via La Junta, and return via State Highway No. 71 as an alternate route, excluding service between Rocky Ford and La Junta, Trinidad and Rocky Ford and Swink, in competition with Weicker Transfer and Storage Company;

livestock and farm products, from all points within a fifty mile radius of Thatcher, Colorado, to all points in the State of Colorado, and from all points in the State of Colorado, to all points within a fifty mile radius of Thatcher, Colorado."

3. Permit No. B-6496 presently provides as follows:

"Transportation of bulk feed (except molasses and other liquid animal feeds), used for feeding livestock, in truck-load lots, from farms, ranches, and elevators in Baca, Prowers, Kiowa, Cheyenne, Bent, Crowley, and Otero Counties, to feed lots owned, controlled and operated by Wilhelm-Mancini, at its locations near Rocky Ford, Otero County, Colorado;

transportation of bulk feed (except molasses and other liquid animal feeds), in truckload lots, belonging to Wilhelm-Mancini, from Longmont and Denver, Colorado, to its feed lots near Rocky Ford, Otero County, Colorado."

4. With respect to Certificate of Authority PUC No. 641, it has not been operated as a scheduled service in the past and Transferee does not intend to operate a scheduled service. Therefore, the "scheduled service" contained in the authority should be cancelled, which is agreeable to Transferee.

5. With respect to Permit No. B-6496, it provides for "transportation . . . to feed lots owned, controlled or operated by Wilhelm-Mancini". "Wilhelm-Mancini" is no longer in business; however, the successor is a Mr. David Wilhelm, doing business as "Wilhelm Feed Lots Company", so the wording of this Permit should be corrected accordingly and such correction would not be an extension of said Permit.

6. Under date of June 28, 1966, by Decision No. 67659, this Commission approved the Security Arrangement between Beman Motors Transportation, Inc. and the Small Business Administration wherein both of the authorities involved herein (PUC No. 641, PUC No. 641-I and Permit No. B-6496) were mortgaged to the Small Business Administration to secure payment of loans in the amount of $170,000 and $95,400.

7. Beman Motors Transportation, Inc. subsequently defaulted in the performance of the conditions of said mortgages by failure to make payments thereon and the Small Business Administration foreclosed on the properties and sold said authorities at public sale to Chester Bay, V. R. Quick and Clyde L. Holland on September 5, 1968.

8. By Assignment dated September 24, 1968, V. R. Quick and Clyde L. Holland conveyed all of their right, title and interest to the Bill of Sale acquired from the Small Business Administration to Chester Bay, doing business as "Chester Bay Trucking".

9. At the time of this hearing, Chester Bay, doing business as "Chester Bay Trucking", apparently has all legal right, title and interest in and to Certificate of Authority PUC No. 641, PUC No. 641-I and Permit No. B-6496.

10. Under date of March 26, 1968, this Commission, by Decision and Case No. 931-H-Ins., revoked and cancelled Certificate of Authority PUC No. 641, PUC No. 641-I and Permit No. B-6496 for failure to file Certificate of Insurance with the Commission as required by law and the Rules and Regulations of the Commission.

11. Under date of June 20, 1968, this Commission, by Decision No. 71453, for reasons stated therein, vacated the aforementioned Decision which cancelled and revoked the authorities involved herein and entered its Order suspending said authorities from February 29, 1968, "until such time as transfer proceedings are initiated".

12. By these applications, Applicants seek:

    (a) to reinstate Certificate of Authority PUC No. 641, PUC No. 641-I and Permit No. B-6496 from the suspension in the aforementioned Decision No. 71453.

    (b) to transfer said authorities from the Small Business Administration, an agency of the United States Government, as Successor in interest to Beman Motors Transportation, Inc., to Chester Bay, doing business as "Chester Bay Trucking".

    (c) to approve an encumbrance on the authorities in the form of an Assignment from Chester Bay, doing business as "Chester Bay Trucking", to the Colorado Bank and Trust Company, of La Junta, Colorado, given to secure a Promissory Note in the amount of Six Thousand Dollars ($6,000.00).

13. Transferee, Chester Bay, doing business as "Chester Bay Trucking", is an individual who presently holds authority from this Commission under an "M" Permit and Permit No. B-5048 and Permit No. B-5048-I, which provide as follows:

    "Transportation of

    (1) farm products, excluding livestock,

    between points within a 50-mile radius of La Junta, Colorado, and from points in said 50-mile radius, to points in the State of Colorado;

    (2) Onions,

    from farms in Crowley, Otero, Prowers, Bent, Weld, Logan, Morgan, Adams and Arapahoe Counties, to packing sheds and railroad shipping points within said Counties;

(3) Crates and crate material,

from Denver, Colorado, to points within a 50-mile radius of LaJunta, Colorado.

Between all points in Colorado and the Colorado state boundary lines, where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

14. There is no duplication in the authorities involved herein; however, that authority contained in Permit No. B-6496 (one of the authorities being transferred) can and should be included in the authority presently held by Transferee (Permit No. B-5048 and Permit No. B-5048-I), and Permit No. B-6496 should be cancelled.

15. No one protested the granting of these applications.

16. The authorities involved in this proceeding have been continually operated in the past and presently are in good standing with the Commission.

17. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for the operation of the authorities sought herein.

18. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.

19. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

20. The transfers are compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order as follows:

1. To reinstate Certificates of Authority PUC No. 641, PUC No. 641-I and Permit No. B-6496 for purposes of these transfers.

2. To transfer Certificates of Authority PUC No. 641, PUC No. 641-I and Permit No. B-6496 from the Small Business Administration, an agency of the United States Government, as Successor in Interest to Beman Motors Transportation, Inc. to Chester Bay, doing business as "Chester Bay Trucking".

3. To approve the encumbrance on the authorities which is in the form of an Assignment of the authorities to the Colorado Bank and Trust Company of La Junta, Colorado, to secure a Promissory Note in the amount of Six Thousand Dollars ($6,000) dated September 10, 1968.

4. To consolidate Permit No. B-6496 with Permit No. B-5048 and Permit No. B-5048-I and cancel Permit No. B-6496.

5. To redraft Certificates of Authority PUC No. 641 and PUC No. 641-I to read as follows:

"Transportation -- on call and demand -- of

(1) General commodities

Between all points within a fifty (50) mile radius of Thatcher, Colorado.

(2) Farm products (including livestock)

Between all points within a fifty (50) mile radius of Thatcher, Colorado, on the one hand, and all points within the State of Colorado, on the other hand.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

6. To redraft Permit No. B-5048 and Permit No. B-5048-I so that it shall henceforth read as follows:

"Transportation -- on call and demand -- of

(1) Farm products

Between points within a 50-mile radius of La Junta, Colorado, and from points in said 50-mile radius, to points in the State of Colorado.

RESTRICTION:

Item 1 restricted against the transportation of livestock.

(2) Onions

From farms in Crowley, Otero, Prowers, Bent, Weld, Logan, Morgan, Adams and Arapahoe Counties, to packing sheds and railroad shipping points within said Counties.

(3) Crates and crate material

From Denver, Colorado, to points within a 50-mile radius of La Junta, Colorado.

(4) Bulk feed

From farms, ranches and elevators in Baca, Prowers, Kiowa, Cheyenne, Bent, Crowley and Otero Counties, Colorado, and from the cities of Longmont and Denver, Colorado, to feed lots owned, controlled or operated by Wilhelm Feed Lots Company, near Rocky Ford, Colorado.

RESTRICTION:

Item 4 is restricted to truckload lots and is further restricted against the transportation of molasses and other liquid animal feeds.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Private Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross came in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Certificate of Public Convenience and Necessity PUC No. 641 and Certificate of Public Convenience and Necessity PUC No. 641-I and Private Carrier Permit No. B-6496 be, and the same hereby are, reinstated for the purpose of transfer.

That The Small Business Administration, an Agency of the United States Government, as successor in interest to Beman Motors Transportation, Inc., be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 641 and Certificate of Public Convenience and Necessity PUC No. 641-I and Private Carrier Permit No. B-6496 to Chester Bay, doing business as "Chester Bay Trucking", La Junta, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That Private Carrier Permit No. B-6496 be, and hereby is, consolidated with and merged into Private Carrier Permit No. B-5048 and Private

Carrier Permit No. B-5048-I.

That, by virtue of the aforesaid consolidation and merger, the assigned operating number "B-6496" be, and the same is hereby, cancelled.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 641 and Certificate of Public Convenience and Necessity PUC No. 641-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) General commodities

Between all points within a fifty (50) mile radius of Thatcher, Colorado.

(2) Farm products (including livestock)

Between all points within a fifty (50) mile radius of Thatcher, Colorado, on the one hand, and all points within the State of Colorado, on the other hand.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That henceforth the full and complete authority under Private Carrier Permit No. B-5048 and Private Carrier Permit No. B-5048-I shall read and be as follows, to-wit:

Thansportation -- on call and demand -- of

(1) Farm products

Between points within a fifty (50) mile radius of La Junta, Colorado, and from points in said fifty (50) mile radius, to points in the State of Colorado.

RESTRICTION:

Item 1 of this Permit is restricted against the transportation of livestock.

(2) Onions

From farms in Crowley, Otero, Prowers, Bent, Weld, Logan, Morgan, Adams and Arapahoe Counties, State of Colorado, to packing sheds and railroad shipping points within said Counties.

(3) Crates and crate material

From Denver, Colorado, to points within a fifty (50) mile radius of La Junta, Colorado.

(4) Bulk feed

From farms, ranches and elevators in Baca, Prowers, Kiowa, Cheyenne, Bent, Crowley and Otero Counties, State of Colorado, and from the cities of Longmont and Denver, State of Colorado, to feed lots owned, controlled or operated by Wilhelm Feed Lots Company, near Rocky Ford, Colorado.

RESTRICTION:

Item 4 of this Permit is restricted as follows:

(a) to truckload lots; and

(b) restricted against the transportation of molasses and other liquid animal feeds.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Private Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That Chester Bay, doing business as "Chester Bay Trucking," La Junta, Colorado, be, and hereby is, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 641, Certificate of Public Convenience and Necessity PUC No. 641-I, Private Carrier Permit No. B-5048 and Private Carrier Permit No. B-5048-I to The Colorado Bank and Trust Company, La Junta, Colorado, to secure the payment of the sum of $6,000, according to the terms and conditions of a certain Assignment and Promissory Note, dated September 10, 1968, executed by and between the aforesaid parties, and as on file with the Commission.

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

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

That the right of transferee to operate under this Order shall depend upon the prior filing of the annual Report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1969.
ls

(Decision No. 72380)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, BUEL LOWDER, 2710)
EAST HIGHWAY 96, PUEBLO, COLORADO,) CASE NO. 5381
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 6835.)

January 7, 1969

Appearances: Buel Lowder, Pueblo, Colorado, pro se;
Robert L. Pyle, Denver, Colorado, for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Buel Lowder, Respondent herein, is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 6835, issued by the Commission, which authorizes the conduct of operations as a common carrier by motor vehicle for hire for the following, to-wit:

> "Transportation of general commodities, between Pueblo, Colorado, on the one hand, and the Colorado-Kansas State Line, on the other hand, over Colorado Highway 96, and return over the same route, serving all intermediate points between Sugar City, Colorado, and the Colorado-Kansas State Line."

On November 4, 1968, in Decision No. 72130, the Commission entered an "Order to Show Cause and Notice of Hearing" concerning the motor vehicle operations under Certificate of Public Convenience and Necessity PUC No. 6835. By said Order to Show Cause, the Respondent was ordered to show cause why the Commission should not take such action and enter such order as may be appropriate including, but not limited to, a cease and desist order; or, if warranted, an Order cancelling and revoking Certificate of Public Convenience and Necessity PUC No. 6835 for violations of the Public Utility Law and, in addition, the Commission's Rules and Regulations Governing Common Carriers by

Motor Vehicle for Hire in the following respect:

> By operating contrary to Rule 6(a) of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire.

After due and proper notice, the above-entitled captioned matter was set for hearing by the Commission in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 A.M. on December 3, 1968, and, at the conclusion thereof, the matter was taken under advisement.

At the hearing Orris Gram, Transportation Representative testifying for and on behalf of the Staff of the Commission, sponsored and identified the following exhibits which were received into evidence.

Exhibit 1 - Certified copy of Commission Decision No. 68174 and authority sheet for Certificate of Public Convenience and Necessity PUC No. 6835.

Exhibits 2 & 3 -Letters of warning, dated February 27, 1967, and May 17, 1967, addressed and mailed to the Respondent by the Enforcement Department of the Commission.

Exhibit 4 -Eleven freight bills pertaining to the operation of the Respondent covering the period of time of January, 1968 through and including May, 1968, showing shipments delivered to Ordway, Colorado -- all of which were outside the scope of the operating authority as specifically set forth in Respondent's Certificate of Public Convenience and Necessity PUC No. 6835.

Exhibit 5 -Map of the State of Colorado used as a means to visibly show the territorial authority of the Respondent.

Buel Lowder, the Respondent herein, made, on the record, a statement freely admitting and acknowledging the violations as set forth in the "Notice of Hearing and Order to Show Cause," being Decision No. 72130, dated November 4, 1968, and -- in addition -- further stated that he would take all necessary steps to insure the fact that no further violations on his part would occur in the future.

In view of the above statement, as made by the Respondent on the record, the Commission deems it unnecessary to set forth in full and complete detail the substantial and competent evidence that was offered on behalf of

the Staff of the Commission to concretely establish the violations as alleged.

After due and careful consideration of the entire record in this proceeding, the Commission is of the opinion and finds that the Respondent has violated the Public Utility Law and the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire by transporting commodities to points and places not authorized under his Certificate of Public Convenience and Necessity PUC No. 6835; and that, under the facts and circumstances as herein involved, it would be in the public interest to enter the following Order.

O R D E R

THE COMMISSION ORDERS:

That the motor vehicle operating authority of the Respondent, Buel Lowder, being Certificate of Public Convenience and Necessity PUC No. 6835, be, and the same hereby is, revoked and cancelled; provided, however, that in lieu of said revocation and cancellation, Respondent may, if he should so desire, elect to pay the sum of One Hundred Dollars ($100) to the Treasurer of the State of Colorado on or before the effective date of this Order, for the use and benefit of the State of Colorado, under and pursuant to the provisions of the Public Utilities Act, which is hereby, as an alternative penalty, assessed for the violations of the Public Utility Law and the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire.

That this Order shall become effective twenty-one days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1969.
ls

(Decision No. 72381)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF OTTO STREEB, DOING BUSINESS AS "OTTO STREEB TRANSFER COMPANY," 630 BIRCH STREET, WINDSOR, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NO. 543.	)	APPLICATION NO. 23513-Extension

January 7, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicant herein sought authority to extend operations under PUC No. 543 by removal of the equipment restriction contained therein.

Said application was regularly set for hearing before the Commission, at 10:00 o'clock A.M., January 9, 1969, Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

The Commission has now been advised by Attorney for Applicant that Applicant no longer desires authority herein sought, and requests that said application be dismissed.

The Commission states and finds that the above-styled application should be dismissed, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That hearing of Application No. 23513-Extension, set for January 9, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That said Application No. 23513-Extension be, and the same hereby is, dismissed, upon request of Attorney for Applicant.

IE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1969.
ls

(Decision No. 72382)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: NATIONAL MOTOR FREIGHT)
CLASSIFICATION A-10, COLORADO)
PUC NO. 7, SUPPLEMENT NO. 10) CASE NO. 1585
)

January 13, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 19, 1968, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N. W., Washington, D. C. 20036, filed Supplement No. 10 to its NMFC A-10, Colorado PUC No. 7, scheduled to become effective January 21, 1969, except as otherwise provided. In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 10, which appear as Appendix "A" hereto. The changes as shown by Supplement No. 10, are set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 10, appear to represent just, fair and reasonable classes and rules, the Commission states and finds that an order should be entered prescribing the same, under the provisions of Rule 18-C (1) (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings, and Appendixes "A" and "B" herein, be, and they are hereby, made a part hereof.

2. That the classes and items (rules) as set forth in Supplement No. 10, amending NMFC A-10, Colorado PUC No. 7, shall be

the prescribed classes and items (rules) of the Commission.

3, That all motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-10, Colorado PUC No. 7, as amended, shall comply with the changes provided herein on January 21, 1969, except as otherwise provided.

4. That on and after January 21, 1969, except as otherwise provided, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-10, Colorado PUC No. 7, as amended, shall cease and desist from publishing, demanding or applying classes and items (rules) which shall differ from the classes and items (rules) published in National Motor Freight Classification A-10, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) percent.

5. That this rule shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

6. That the orders entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

7. That this order shall become effective forthwith.

8. That jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
13th day of January, 1969. av

TITLE PAGE TO APPENDIXES

National Motor Freight Traffic Association, Inc., Agent
NMFC, A-10, Colorado PUC No. 7
Supplement No. 10

Effective January 21, 1969

Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 10
amending NMFC A-10

CLASSES AND RULES

applying on:

Freight Traffic covered by tariffs governed by this classification as such tariffs may provide.

*****

Case No. 1585
Decision No. 72382
January 13, 1969

Preface: Below is a summary list of changes being proposed in this Supplement. "*" indicates new item number. (Provisions appearing in this "pick-up" supplement, and not appearing on this list, will be found to be prefixed with a reissued symbol indicating they have been previously changed in a prior supplement, which prior supplement is being cancelled by this supplement.) Following this summary list will be found a detailed explanation of the reasons for the proposed change ("?S?" means Docket number under which the National Classification Board handled this proposal.

110-A	29800-A	48190-A	86290-A	88502-A	168802-B
*425	*29810	50080-A	86730-B	89430-A	*168003
430-A	*35550	61940-A	86736-B	89432-A	179500-A
535-C	42130-A	67060-B	86737-B	105040-A	179510-A
*17360	42380-A	67062-A	87700-A	142430-A	193950-A
*18405	46030-A	67064-A	87702-A	*142432	Pkg. 795
*18407	46032-A	67400-B	87720-A	152040-A	Pkg. 1004
18420-A	46590-A	81430-A	87970-A	155350-A	Pkg. 1082
18422-A	46600-A	81432-A	87972-A	157240-A	Pkg. 1164
26760-A	47790-B	81435-B	88420-B	*157242	Pkg. 1240
26762-A	47792-B	86270-A	88500-A	168800-B	Pkg. 2024
					Pkg. 2063

110-A (D135-S92)

Sec. 3 (d). This is a carrier proposal seeking to establish a definition for "address." This would ensure proper application of the tariff provisions. The addition of definitions not previously shown in item (rule) 110 results in an increase since it tends to qualify that which was not heretofore defined.

*425 (D125-S235)

The purpose of this new rule is to provide for the application of classes appropriate to the current density characteristics of a significant volume of traffic which is now moving at classes assigned to provisions (descriptions) established in recognition of density characteristics existing many years ago - prior to the advent and use of plastics and lighter metals and radical changes in marketing concepts. The necessity, under the provisions of the rule, for the carrier to report to the National Classification Board his use of the rule will facilitate research and effort by the Board to establish classes appropriate to the facts reported by the carriers. This has the effect of restricting the application of the classification and therefore results in an increase. The "long notice" effective date of February 15, 1969, is to allow all concerned ample notice of this new rule.

430-A (D136-S73)

Item being amended for tariff clarification and simplification to ensure proper application of the tariff provisions. Changed wording in this item results in an increase.

535-C (D125-S235)

Item (rule) 535 amended to provide the 2 year expiration date prescribed by the National Classification Board for new item (rule) 425 as explained above. Since new item (rule) 425 is restrictive in nature (as explained in connection therewith) any expiration date which would allow such restrictive provisions to expire would result in a reduction.

*17360 (D135-S-21)	Snow Boards. This is a shipper proposal to provide for a specific listing on snow boards. The density when bundled 12 or more is 19 pounds per cubic foot, and the value is 82¢ per pound. Individually packaged, the density is 9.46 pounds per cubic foot. Based on transportation characteristics, the classes are justified and will insure proper application of the tariff provisions.
*18405 *18407 18420-A 18422-A (D126-S10) (D127-S25)	Bumper fittings. New item 18405 added on "Bumper Fittings", at shippers request, with assigned classes that reflect the transportation characteristics of density and value. New note item 18407 being added to clarify application of new entry for unplated bumper fittings. Item 18420 being amended to make TL shipments subject to the alternating basis of classes in item 20200. Bumpers, due to the different sizes and methods of packing for shipments, have a wide range of loadibility and item 20200 provides classes based on different minimum weights. Provisions for bumper fittings is being restricted by the addition of "NOI" to prevent conflict with new bumper fitting entry being established at shippers request with classes assigned that reflect the transportation characteristics of density and value. Broadening and restricting the application of this item could result in both an increase and a reduction. Item 18422 brought forward without change in application.
26760-A 26762-A (Memo)	The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this item. Broadening the packaging provisions of item 26760 results in a reduction. Item 26762 brought forward without change.
29800-A (D128-S64)	Boxes or Crates, wooden, NOI. No changes were made in item 29800 other than removing the wood and wire combined boxes or crates to be set up in the new item. Restricting this item to no longer apply on "Wood and wire combined boxes" results in an increase.
*29810 (D128-S64)	Boxes or Crates, wood and wire combined, NOI. This is a carrier proposal prompted by the poor loading characteristics (bulkiness) of KD or folded flat wood and wire combined box material. A new item is established separating wood and wire combined boxes or crates from wooden boxes or crates for clarification purposes as well as to reflect proper classes on the KD or folded flat wood and wire material based on the transportation characteristics of 11 to 13 pounds per cubic foot density.
*35550 (D130-S26)	Wood built-up or combined, faced with steel and backed with aluminum. New item added to classification at shipper's request with classes assigned to be in keeping with transportation characteristics as well as being in keeping with similar commodities.
42130-A (Memo)	Cement. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this item. Eliminating Package 1240 from this item and adding Package 1241 could result in both an increase and a reduction.

42380-A (Memo)	Cereals. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this item. Broadening the application of this item, to apply on TL in Package 240, results in a reduction.
46030-A 46032-A (D134-S59)	Resin, coal tar. This is a shipper proposal to allow a type of packaging, to item 46030, presently authorized for many similar commodities. The results warrant its inclusion in the classification. Broadening the application of this item results in a reduction. Item 46032 brought forward without change in application.
46590-A 46600-A (Memo)	The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with these items. Elimination of the packaging provisions in item 46590 results in an increase. Addition of packaging provisions in item 46600 results in a reduction.
47790-B 47792-B (Memo)	Cigarettes and cigars. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with item 47790. Elimination of Package 2063 in item 47790 and addition of Package 795, could result in both an increase and a reduction. Item 47792 brought forward without change.
48190-A (D135-S8)	Clay, slip. This is a shipper proposal requesting they be allowed to ship the involved commodity in inner containers in boxes, the inner containers being water-proof. The present packaging provisions call for the commodity to be packaged in barrels. Under the alternating rule, the commodity can be packaged as proposed without amendment of the classification. However, it is felt that the change will provide for clarification. Broadening the application of this item results in a reduction insofar as this item is concerned per se.
50080-A (Memo)	Collars, Harness, Leads, Leashes, or Straps. This item republished to correct printer error in spelling of word "Leashes," resulting in neither an increase or reduction.
61940-A (Memo)	Fans or Roof Ventilators. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this item. Eliminating Package 245 and adding Package 2045 could result in both an increase and a reduction.
67060-B 67062-A 67064-A 67400-B (Memo)	Feed, The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with these items. Broadening the packaging provisions of item 67060 results in a reduction. Items 67062 and 67064 brought forward without change in application. Restricting the packaging provisions of item 67400 results in an increase.

81430-A 81432-A 81435-B (D136-S12)	Racks, book or magazine. Item description being amended for tariff clarification and simplification to ensure proper application of the tariff provisions. Restricting and broadening the provisions of item 81430 results in both an increase and a reduction. Items 81432 and 81435 brought forward without change.
86270-A 86290-A (D128-S50)	Gates, fence. LTL and TL class changed on the basis of carriers difficulty in handling and stowing these articles and the resultant low densities from the carriers inability to topload and properly utilize trailer space remaining after loading fence gates. These changes result in increases classes and reduced minimum weights.
86730-B 86736-B 86737-B (Memo)	Glass. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with item 86730. Broadening and restricting the packaging provisions of item 86730 could result in both an increase and a reduction. Note items 86736 and 86737 brought forward without change.
87700-A 87702-A 87720-A 87970-A 87972-A 88420-B (Memo)	Glassware. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with items. Broadening the packaging provisions of item 87700 results in a reduction. Item 87702 brought forward without change. Broadening and restricting the application of item 87720 results in both an increase and a reduction. Restricting the application of item 87970 results in an increase. Item 87972 brought forward without change. Broadening the packaging provisions of item 88420 results in a reduction.
88500-A 88502-A (Memo)	Rods or Tubing. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this item. Restricting the packaging provisions of item 88500 results in an increase. Item 88502 brought forward without change.
89430-A 89432-A (Memo)	Grain Flour. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this item. Broadening and restricting the packaging provisions of item 89430 results in both an increase and a reduction. Item 89432 brought forward without change.
105040-A (D128-S50)	Fence gates. LTL and TL class changed on the basis of carriers difficulty in handling and stowing these articles and the resultant low densities from the carriers inability to topload and properly utilize trailer space remaining after loading fence gates. These changes result in increased classes and reduced minimum weight.
142430-A *142432 (D128-S89)	Stencils, Duplicating machine. Item description being amended by adding subs, to provide for classes not previously shown in item 142430, which broadened application results in a reduction. New note item 142432 added so as to restrict the application of reduced classes approved in Sub 1, item to these 142430 duplicating machine stencils having transportation characteristics warranting approved classes.

152040-A (D136-S1)	Balloons, paper. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by carriers or shippers. Restricting the classification to no longer apply on "Proper Balloons", per se, results in an increase.
155350-A (Memo)	Petroleum oils. The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this item. Broadening the packaging provisions of this item results in a reduction.
157240-A *157242 (D136-S44)	Trays or Forms, interior packaging. This was a Classification Board proposal for the purpose of restricting the application of item 157240 against a type of plastic containers. The shipping characteristics of the containers do not warrant the classes published in item 157240. By this note, such containers will be classed as plastic articles and move under density-based classes provided in item 156600. Note item 157242 is a new item for the purpose of clarifying the application of item 157240 and prevent its use on vacuum-formed plastic containers with necks, spouts, tubes and other closures. Restricting the provisions of item 157240 results in an increase.
168800-B 168802-B *168803 (D136-S54)	Rayon or Acetate Fibre, NOI. New note added to qualify item 168800. Amendment made to reflect actual transportation practices today and to preclude the possibility of dangerous shipping practices through strict interpretation of packaging requirements as formerly shown. Added restriction in item 168800 results in an increase. Item 168802 brought forward without change in application.
179500-A 179510-A (Memo)	Stoppers. Item 179500 and 179510 republished to eliminate redundant wording in the interest of simplification and clarification. This changed wording results in neither an increase or reduction in charges.
193950-A (D136-S29)	Wallboard, asbestos and cellular or expanded plastic. This was a shipper proposal seeking amendment of item 193950 to apply on asbestos wallboard laminated to asbestos aircell (corrugated paper). Shipping characteristics of 27 pounds per cubic foot and 20 cents per pound value warrant classes of 77½ LTL and 37½ TL published in item 193950. Material is not now specifically provided for in classification. Broadening the application of this item results in a reduction.
Pkg. 795 (Memo)	The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this package. Broadening the classification application to include this new package results in a reduction.
Pkg. 1004 (Memo)	Package 1004 cancelled, account obsolete. Since this package will no longer be permitted after cancellation, this restricts the application of the classification and therefore results in an increase.
Pkg. 1082 (D135-S98)	This is a shipper proposal intended to clarify the provisions of the package. In addition to clarification, it also provides better protection than the present provisions existing in the package. Added restrictions result in an increase.

Pkg. 1164 (D135-S99)	This is a shipper proposal providing for the amendment of Package 1164 which specifies the requirements for containers of citrus fruit juice. The proposed package has performed satisfactory in common motor carriage and, therefore, should be included in the classification as an acceptable package. Broadening the provisions of this package results in a reduction.
Pkg. 1240 (Memo)	The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this package. Package 1240 account provisions shown in Package 1241, therefore, this cancellation results in an increase or reduction.
Pkg. 2024 (D135-S101)	Additional packaging provisions are being added to Package 2024 as a result of test shipment permit in which the recommended package warrants its inclusion as a result of shipments made under permit. The package is only authorized in connection with the shipment of materials covered. Additional (broadened) provisions added to this package results in a reduction.
Pkg. 2063 (Memo)	The reissue, NMFC A-10, should have included certain packaging changes (National Classification Board subject 187 of Docket 123). These changes were not properly published in connection with this package. This package cancelled and re-numbered as Package 795, resulting in neither an increase or a reduction.

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RULES

ITEM (RULE) 110-A

DEFINITIONS AND EXPLANATION OF TERMS, PUNCTUATION AND REFERENCES

The following general definitions will apply when such terms are used in this classification or in tariffs governed by this classification. Where different definitions are provided for the same terms in connection with rates, classes, rules or other provisions, such definitions will take precedence.

♦**Sec. 3 (d). "Address"** means a particular street address (not a U. S. Post Office Box Number) where street address is available, including Post Office zip code.

♦*♦ⒷITEM (RULE) 425

CLASSIFICATION OF FREIGHT HAVING A DENSITY OF LESS THAN SIX POUNDS PER CUBIC FOOT

Except as provided in Note A, classes 100 or lower, LTL or AQ shown in descriptions (items) herein do not apply on articles (commodities) the density of which as tendered for shipment is less than six (6) pounds per cubic foot. Articles (commodities) of less density than six (6) pounds per cubic foot are subject to the classes shown in Column B when the densities are as shown in Column A.

Column A	Column B
Less than 2 pounds per cubic foot (see Note B)	Class 300
2 pounds but less than 4 pounds per cubic foot (see Note B)	Class 250
4 pounds but less than 6 pounds per cubic foot	Class 150

Upon determination by carrier that freight of density less than six (6) pounds is tendered, carrier must establish a record of the dimensions, weight and density determined, and a copy of such record be furnished to the National Classification Board.

The cubage of articles or pieces, or packages, must be determined on the basis of the extreme dimensions of length, width, and depth, including all projecting portions. A cubic foot is 1,728 cubic inches. Density is the result of the division of the weight by the number of cubic feet ascertained.

The density of a single article in several pieces or packages must be the result of the division of the total weight of all packages or pieces by the total cubage of all such packages or pieces. When two or more packages or pieces of the same article are fastened to each other in such a way as to constitute a single unit capable of withstanding the normal hazards of transportation, they shall be deemed a single package or piece.

Note A - This rule does not apply when specific descriptions (items) herein provide classes in conjunction with stated densities.

Note B - The charge for a package or piece of a lesser density may be assessed on the basis of the next lower class provided in connection with the next heavier density at the weight which would accrue from multiplying the cubage of such package or piece by the lowest weight named in such density group. In such instances the following information concerning individual packages or pieces must be shown by shipper on shipping orders and bills of lading at time of shipment:

No. Pkgs.	Actual Weight	Density Group	Dimensions L W H	Actual Cubage	Declared Density	Wt. for Billing
		(Example— 2-less 4 lbs.)				

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES—Continued

ITEM (RULE) 430-A

COLLECT ON DELIVERY (COD) SHIPMENTS

Unless otherwise provided in carriers' tariffs, collect on delivery shipments will be accepted subject to the following provisions and charges:

Sec. 1. Shipments must be tendered on Uniform Straight Bills of Lading or Straight Bills of Lading--Short Form, and when the short form is used, the letters "COD" must be stamped, typed or written on bills of lading and shipping orders immediately before name of consignee. Only one COD amount may be shown and may not be subject to change dependent upon time or conditions of payment. The name and street and postoffice address of consignor and consignee must be shown on bill of lading and shipping order. There must also be shown on bill of lading and shipping order, in the space provided for this purpose, or by showing in the lower left hand corner of space provided for "description of articles, special marks and exceptions," the following information:

Collect on Delivery, $..... and remit to: .....
Street....., **City**....., **State**.....
COD charge to be paid by shipper ☐
Consignee ☐

Sec. 2. Each package must be plainly marked, labeled, or tagged by consignor showing letters COD, and the name and address of consignor and consignee in accordance with item (rule) 580 of the classification.

Sec. 3. COD packages will not be accepted on the same bill of lading with packages other than COD and only packages covered by one COD bill may be tendered on one bill of lading.

Sec. 4. If consignor desires to forward invoice or collection papers, they must be securely attached to the shipping order copy of the bill of lading and the shipping order must show the following information:

"Attached invoice (or invoices) to accompany shipment to destination."

Sec. 5. COD shipments will not be accepted or receipted for when billed to one firm or person, with instructions to collect charges from another firm or person.

Sec. 6. COD shipments will not be accepted with the privilege of examination or trial, or bearing instructions to make partial delivery.

Sec. 7. Intoxicating beverages may be handled COD only under the provisions provided by State Laws of the State in which the point of destination is located. (See Section 389 of Title 18 of the United States Code Annotated.)

Sec. 8. The amount of COD bills for COD shipments must be collected at the time such shipments are delivered to the consignee.

♦**Sec. 9.** Only the following forms of payment will be accepted in payment of COD amounts: (1) cash; (2) bank cashier's check; (3) certified check; (4) money order; or (5) personal check of the consignee when so authorized in writing or by endorsement on the bill of lading and shipping order by the consignor. All checks and money orders shall be made payable to the consignor. The carrier will accept checks and money orders only as the agent of the consignor and the carriers' responsibility is limited to the exercise of due care and diligence in forwarding such checks and money orders to consignor.

Sec. 10. The charge for collecting and remitting the amount of bills for COD shipments will be collected from the consignee, except that such charge may be prepaid by the shipper, providing notation to that effect is made by the shipper on the bill of lading and shipping order. Collection or remitting charges or freight or other lawful charges due the carrier shall be paid to the carrier and must not be included in the checks or money orders made payable to the consignor.

Sec. 11 (a). Upon collection of a COD bill, carrier collecting same shall remit each COD collection directly to the consignor or other person designated by the consignor as payee, promptly and within ten (10) days after delivery of the COD shipment to the consignee. If the COD shipment moved in interline service, the delivering carrier shall, at the time of remittance of the COD collection to the consignor or payee, notify the originating carrier of such remittance.

Sec. 11 (b). The delivering carrier shall maintain a record of all COD shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment: (1) Number and date of freight bill. (2) Name and address of shipper or other person designated as payee. (3) Name and address of consignee. (4) Date shipment delivered. (5) Amount of COD. (6) Date collected by delivering carrier. (7) Date remitted to payee. (8) Check number or other identification of remittance to payee.

Sec. 12. The charges of the destination carrier for collecting and remitting the amount of each COD bill collected on shipments consigned COD as prescribed herein will be as follows:

When the amount collected is	Charge for collecting and remitting will be
Not over $150.00	$2.50
Over $ 150.00 not over $ 175.00	$2.75
Over $ 175.00 not over $ 200.00	$3.00
Over $ 200.00 not over $ 250.00	$3.25
Over $ 250.00 not over $ 300.00	$3.50
Over $ 300.00 not over $ 350.00	$3.85
Over $ 350.00 not over $ 400.00	$4.25
Over $ 400.00 not over $ 450.00	$4.65
Over $ 450.00 not over $ 500.00	$5.05
Over $ 500.00 not over $ 550.00	$5.45
Over $ 550.00 not over $ 600.00	$5.85
Over $ 600.00 not over $ 650.00	$6.25
Over $ 650.00 not over $ 700.00	$6.65
Over $ 700.00 not over $ 750.00	$7.05
Over $ 750.00 not over $ 800.00	$7.45
Over $ 800.00 not over $ 850.00	$7.85
Over $ 850.00 not over $ 900.00	$8.25
Over $ 900.00 not over $ 950.00	$8.65
Over $ 950.00 not over $1000.00	$9.05
Over $1000.00 at rate of $9.05 (See Note).	

Note—Charges for amounts in excess of $1000.00 should be computed at the ratio that $9.05 bears to $1000.00.

Sec. 13. COD shipments of explosives designated as "Class A dangerous explosives" or "Class B less dangerous explosives" referred to in the Dangerous Articles Tariff (DAT) will not be accepted.

For explanation of abbreviations and reference marks, see last page of this Appendix.

RULES—Concluded

♦ITEM (RULE) 535-C

EXPIRATION DATES

Items or other provisions, making reference hereto, expire with the date indicated below, unless sooner cancelled, changed or extended.

Item or Package	Provisions which expire	Date expiring
Item (rule) 222-A	(Provisions of Note 1 of item (rule) 222 expired with December 31, 1968 as scheduled.)	
Item (rule) 257	All provisions of rule.	September 20, 1969.
Item (rule) 260-A	(Expiration date provided in connection with Note 2 is hereby cancelled.	Provisions of Note 2 continue to apply.)
♦Item (rule) 425	All provisions of rule.	February 15, 1971.
Package 500	All provisions of package.	July 31, 1969.

Item	ARTICLES	CLASSES LTL	CLASSES TL	(M)
	ATHLETIC GOODS GROUP, subject to item 15500:			
*17360	**Snow Boards**, wooden, with guide rope attached, with or without wax:			
Sub 1	In bundles of 12 or more, in boxes	70	45	30.2
Sub 2	In bundles of less than 12, or not bundled, in boxes	110	70	18.2
	AUTOMOBILE PARTS GROUP, subject to item 17800:			
*18405	**Bumper Fittings**, iron or steel, other than plated, see Note, item 18407, in packages	65	40	36.2
*18407	**Note**—Applies on fittings used to brace or attach bumpers to the vehicle.			
♦♦18420-A	**Bumpers, NOI or Bumper Fittings NOI**; in boxes; in Packages 411, 415 or 754; or loose, see Note, item 18422; also TL, loose	85	See item 20200	
△18422-A	**Note**—Bumpers, not plated nor painted, or painted with one coat of primer only, when weighing each 15 pounds or over, may be shipped loose, LTL.			
	BOILERS GROUP, subject to item 25400:			
26760-A	**Ovens**, baking, iron, NOI, see Note, item 26762:			
Sub 1	SU, LTL, in boxes, crates or Packages 972, 1082 or ♦1340; TL loose or in packages	85	40	24.2
Sub 2	KD, or **Parts**, NOI, in packages; also TL, loose	70	40	24.2
△26762-A	**Note**—Fixtures and fittings forming an integral part of each oven such as I-beams, channels, channel supports, angle irons, T-shapes and similar parts authorized to be accepted loose in LTL quantities when shipped separately, or oven walls, need not be packed; all other parts must be boxed or crated and surfaces liable to be damaged must be fully protected.			
	BOX GROUP, subject to item 28900:			
29800-A	**Boxes or Crates**, ♦wooden, NOI:			
Sub 1	SU, not nested	125	See item 29940	
Sub 2	SU, nested, in packages also TL, loose	92½	See item 29940	
Sub 3	KD or in panels, or **Box or Crate Material**, wooden, in panels, LTL in packages, or loose if each piece weighs 25 pounds or over; TL loose or in packages	50	35	30.2
*29810	**Boxes or Crates**, wood and wire combined, NOI:			
Sub 1	SU, not nested	125	See item 29940	
Sub 2	SU, nested, in packages, also TL, loose	92½	See item 29940	
Sub 3	KD, folded flat or in panels, **or Box or Crate Material**, folded flat or in panels, LTL in packages, or loose if each piece weighs 25 pounds or over; TL loose or in packages	70	See item 29940	
	BUILDING MATERIALS, MISCELLANEOUS, GROUP, subject to item 33570:			
*35550	**Wood**, built-up or combined, faced with steel and backed with aluminum, not painted, in packages.	65	37½	36.2
	CEMENT GROUP, subject to item 42100:			
42130-A	**Cement**, hydraulic, masonry, mortar, natural or Portland, LTL, in barrels, or in cloth or four-ply paper bags, or Package ♦♦1241; also TL, in packages or in bulk	50	35	50.2
	CEREALS GROUP, subject to item 42300:			
42380-A	**Flaked or Shredded**, NOI, subject to item 42360: Not compressed, in flakes or in forms not flat, see Note, item 42312, in barrels, Packages 193 or 1119, boxes, or in wheeled carriers locked or sealed with metal seals; ♦also TL in Package 240	100	70	18.1
	CHEMICALS GROUP, subject to item 42600:			
46030-A	**Resin**, coal tar or petroleum, **or Resin Compounds**, see Note, item 46032, in multiple-wall paper bags, cloth bags, barrels, boxes or ♦Package 591	55	35	30.2
△46032-A	**Note**—Applies only on coumarone-indene, petroleum polymer or petroleum hydrocarbon resins, or on resin compounds, not commercially suitable for molding or extruding purposes, in liquid, powder, flake, lump or solid mass form. Applies on such resin compounds only when the resin or rosin does not exceed 50 percent by weight of contents.			
	Sodium (Soda), subject to item 46080:			
46590-A	♦**Silico Aluminate**, see Note, item 42602, in bags, barrels or boxes	60	35	40.2
46600-A	**Silico Fluoride**, see Note, item 42602, in bags, barrels or boxes ♦or Packages 1274, 1279 or 1393.	55	35	30.2

For explanation of abbreviations and reference marks, see last page of this Appendix.

Item	ARTICLES	CLASSES LTL	CLASSES TL	(M)
	CIGARETTES AND CIGARS GROUP, subject to item 47760:			
47790-B	**Cigars**, tobacco, see Note, item 47772, in boxes 30 united inches or more, length, width and depth added, see Note, item 47792, or in Package ♦♣795	85	55	24.2
△47792-B	**Note**—Will apply only on shipments in wooden boxes, or when cigars are in inner containers or humidors, fibre boxes may be used, providing they meet the following specifications: When gross weight of box and contents does not exceed 110 pounds, in fibreboard boxes testing not less than 275 pounds; when gross weight does not exceed 120 pounds, in fibreboard boxes testing not less than 350 pounds; and when the gross weight does not exceed 165 pounds, in corrugated fibreboard boxes not exceeding 77 united inches, with facings not less than .030 of an inch thick, testing not less than 500 pounds, provided flaps are glued throughout the entire area of contact and box is bound with four metal straps, two each way, crossing on top and bottom.			
	CLAY GROUP, subject to item 47990:			
	Clay, subject to item 48130:			
48190-A	**Slip (Clay Mixed with 25 Percent Or More Water)**, in barrels ♦or boxes	55	35	36.2
50080-A	**Collars, Harness, Leads, ^Leashes or Straps**, baby safety, or dog or cat, in boxes	100	70	20.2
	ELECTRICAL EQUIPMENT GROUP, subject to item 60500:			
61940-A	**Fans and Roof Ventilators combined**, exhaust or ventilating, SU, in boxes, crates or Package ♦♣2045, or steel strapped to wood skid platforms with shutter end crated	150	150	AQ
	FEED GROUP, subject to item 66700:			
67060-B	**Feed**, animal, fish or poultry, prepared, NOI, see Note, item 67062; **Condimental or Medicinal Feeding Compounds or Preparations** for animals or poultry, NOI, see Note, item 67062; **or Feed Supplements**, see Note, item 67064; not frozen, in containers in barrels or boxes, or in bulk in bags, barrels, boxes, pails, or Packages ♣1199, 1374 or ♣1433, or in fused or pressed blocks, weighing each 33 pounds or over, in packages; also TL fused or pressed blocks, weighing each 33 pounds or over, loose	50	35	30.2
△67062-A	**Note**—Applies only on those edible materials containing or not containing antibiotics, hormones or vitamins which are ready for feeding and do not require further mixing prior to consumption.			
△67064-A	**Note**—Applies only on materials containing or not containing antibiotics, hormones or vitamins, requiring only one further mixing with animal, fish or poultry feed prior to consumption.			
67400-B	**Meat, Fish or Poultry or a Mixture of Meat, Fish or Poultry and Cereals or Vegetables**, with or without other ingredients, not frozen, other than dehydrated or dry, in hermetically sealed inner containers in boxes, or in ♦Packages 1119, 1271, 1287 or 1304	60	35	36.2
	FURNITURE GROUP, subject to item 79000:			
	Metallic or Wooden, subject to item 79600:			
81430-A	**Racks**, book or magazine, ♦♣other than store display:			
△81432-A	Wire or metal rod, see Note, item 81742, in Packages 1F, 3F, 5F, 28F, 30F or 37F	300	See item 82700	
△81435-B	NOI:			
Sub 1	SU, in Packages 1F, 3F, 5F, 28F, 30F or 37F	300	See item 82700	
Sub 2	KD flat, in Packages 1F, 3F, 5F, 28F, 30F or 37F	85	See item 82700	
86270-A	**Gates**, fence, wood and iron, steel or wire combined	♦100	♦60	♣16.2
86290-A	**Gates**, fence, wooden	♦100	♦60	♣16.2
	GLASS, subject to item 86500:			
	Glass, flat, see Note, item 86736, NOI, subject to item 86700:			
86730-B	Not bent, in boxes or crates, or in Packages 195, 198, 235, 539, 570, 785 or ♦♣2008; also TL, in Packages 227, 300, 398, 1338, 1339, 1363, 2025 or 2038:			
Sub 1	220 united inches or less, see Note, item 86737	65	35	40.2
Sub 2	Exceeding 220 united inches but not exceeding 15 feet in length nor 9 feet in breadth	100	35	40.2
Sub 3	Exceeding 15 feet in length or 9 feet in breadth	200	45	40.2
△86736-B	**Note**—The term "flat" applies to glass known as sheet, plate, polished prism, rolled, window or float glass, whether or not polished, laminated, colored, opalescent, opaque, chipped, decorated, wired, etched, figured, acid dipped, ground, sandblasted, metalized (sprayed with atomized metal while glass is hot) or tempered, but not when silvered for mirrors, nor flashed, nor framed or leaded (set in or framed by lead or other metal).			
△86737-B	**Note**—TL provisions will also apply when glass is shipped on its flat surface in wooden boxes on pallets.			

For explanation of abbreviations and reference marks, see last page of this Appendix.

Item	ARTICLES	CLASSES LTL	CLASSES TL	(MT)
	GLASSWARE GROUP, subject to item 87500:			
87700-A.	**Bottles, Carboys, Demijohns or Jars,** NOI, other than cut, with or without their equipment of caps, covers, stoppers or tops, one gallon or less in capacity, see Note, item 87702:			
Sub 1	Each in fibre or wicker cover in boxes or crates, or in bottle carriers with partitions, with or without covers	85	35	30.2
Sub 2	In barrels, boxes, crates or Packages 399 or ♦1251; also TL, in barrels, boxes or crates without tops, or tops, or in fibreboard boxes with tops not fastened, or in Package 270, or loose, braced in vehicle	70	35	30.2
△87702-A	**Note** TL provisions also apply on extra caps, covers, stoppers, tops or extra fibreboard boxes, KD flat or folded flat, not to exceed 10 percent of total weight upon which charges are assessed.			
87720-A	**Bottles, Carboys, Demijohns or Jars,** NOI, other than cut, with or without their equipment of caps, covers, stoppers or tops, exceeding one gallon, to and including five gallons in capacity:			
Sub 1	Each in wicker cover in covered wicker basket, or each in fibre or wicker cover in boxes or ♦♦crates, or each in open top crate reaching to or above shoulder of bottle	100	45	24.2
Sub 2	In barrels, boxes or crates, see Note, item 87742; also TL, in barrels, boxes, crates, or in Package 495, or in fibreboard boxes with covers not fastened, or loose, braced in vehicle	85	45	24.2
87970-A	♦**Doors,** NOI, with or without metal or wooden frames, with or without fittings or hardware, see Note, item 87972, in Packages 535, 951, 952, 968, 2003 or 2004	85	55	30.2
△87972-A	**Note**—Applies on framed doors only when the glazed area constitutes 75 percent or more of total area of one side.			
88420-B	**Plates,** face or implosion, television or television tube, in wooden boxes or crates; also TL, in Packages 394, 1294 or ♦1346	60	35	30.2
88500-A	♦**Rods or Tubing (Pipe),** straight, NOI, see Note, item 88502, in boxes or in Packages 838, 896, 1060, 1148, 1195, 1216, 1370, 1404, 1440, 2007, 2027, 2028 or 2066; also TL, in bundles wrapped in 2 plies of single-faced corrugated fibreboard, ends protected, bundles securely sealed, the weight of contents not exceeding 50 pounds, or in Packages 939 or 941	70	35	30.2
△88502-A	**Note**—Rods or tubing consisting of 90 percent or more of silica or quartz are classified as glassware, NOI.			
	GRAIN PRODUCTS GROUP, subject to item 89300:			
89430-A	**Grain Flour,** NOI, see Note, item 89432, in cans or cartons in barrels or boxes or in pails, in bags in barrels or boxes; in bulk in bags or barrels, or Packages 905, 906, 907, ♦♦1119 or 1296	50	35	40.2
△89432-A	**Note**--Applies only on grain flours, NOI, without chemical constitutents or with not to exceed 6 percent chemical constituents, or blends of grain flours with cereal flours without chemical constituents, and does not apply on prepared flour, self-raising flour, nor on blends of grain flour with fruit or vegetable flours or other ingredients.			
	IRON OR STEEL, subject to item 104000:			
105040-A	**Fence Gates,** iron or steel, NOI, or iron or steel and wire combined	♦100	♦60	♦16.2
	OFFICE OR STORE EQUIPMENT GROUP, subject to item 142000:			
♦142430-A	**Stencils,** duplicating machine, in boxes:			
Sub 1	Paper, see Note, item 142432	70	40	36.2
Sub 2	NOI	85	55	24.2
*142432	**Note**--Applies only on stencils manufactured of manila hemp paper, coated with nitrocellulose, with paper backing sheet, with or without plastic film cover sheet, or cushion sheet.			
	PAPER ARTICLES GROUP, subject to item 152000:			
152040-A	**Balloons,** paper. ♦Cancel. Obsolete.			
	PETROLEUM PRODUCTS GROUP, subject to item 155100:			
155350-A	**Petroleum Oils and Related Products, viz.:**			
	Benzine,			
	Distillate, naphtha;			
	Gasoline, casinghead;			
	Gasoline, natural;			
	Gasoline, NOI;			
	Gasolines, blended, see Note, item 155128;			
	Iso-pentane;			
	Naphtha;			
	Oil, absorption;			
	Oil, bent;			
	Oil, compression;			
	Oil, cordage;			
	Oil, floor;			
	Oil, harness;			
	Oil, leather;			
	Oil, lubricating; also in Packages 210, 448, 589, 602, 1131, 1234, 1235, ♦1356, ♦1373 or ♦1442;			
	Oil, miners';			
	Oil, neatsfoot;			
	Oil, NOI, not prepared nor represented as a remedy, medicine or lubricant for the human body, see Notes, items 155124 and 155126;			
	Oil, putty;			
	Oil, refined, illuminating or burning, also in Package 448;			
	Oil, soap;			
	Oil, tanners';			
	Oil, tobacco;			
	Oil, transformer;			
	Oil, wool;			
	Pentane;			
	Stock, miners' oil;			
	In containers in barrels or boxes, or in bulk in barrels, kits or pails; also TL, in tank trucks, see item (rule) 370, estimated weight per gallon 6.6 pounds	65	35	26.2

Item	ARTICLES	CLASSES LTL	CLASSES TL	MP
	PLASTIC OR RUBBER ARTICLES, OTHER THAN EXPANDED, GROUP, subject to item 156500:			
157240-A	**Trays or Forms,** interior packaging, **or Packaging Containers,** vacuum or heat-formed from plastic film or sheeting, nested, ♦see Note, item 157242, in boxes having a density of:			
Sub 1	Less than 10 pounds per cubic foot	125	100	10.2
Sub 2	10 pounds or greater per cubic foot	77½	40	24.2
*157242	**Note**—Applies only on containers not equipped with necks, spouts, tubes or screw-type or snap-type closures.			
168800-B	**Rayon, Acetate or Synthetic Fibre Yarn,** in bags, boxes or Packages 591, 1379, 2010, 2012, 2014, 2015, 2017, 2018, 2019, 2020, 2021 or 2022, or on wrapped beams, loose, ♦see Note, item 168803, or in crates, cradles or racks, see Note, item 168802	70	40	30.2
△168802-B	**Note**—Applies only on yarn having a density of 12 pounds or more per cubic foot as tendered for shipment.			
*168803	**Note**—Wrapped beams may be shipped loose only in truckload quantities and only when loaded on rails or racks in vehicles so equipped.			
	Stoppers, bottle, subject to item 179480:			
▲179500-A	NOI, in bags, barrels or boxes	85	55	30.2
▲179510-A	With swab attachments, in bags, barrels or boxes	85	55	24.2
	WALLBOARD GROUP, subject to item 193640:			
193950-A	**Wallboard,** asbestos, ♦combined with cellular or expanded plastic or corrugated asbestos paper (asbestos wallboard facings and backings with plastic core not exceeding 2½ inches in thickness, or asbestos wallboard facings and corrugated asbestos paper total thickness not exceeding ¾ inch), LTL, in packages, see Note, item 193682; also TL, loose	77½	37½	30.2

SPECIFICATIONS FOR NUMBERED PACKAGES

(For application, see item (rule) 680, Sec. 1 (c).)

Miscellaneous

(Add "Package 795" to page 624 of classification.)

♦Package 795

In solid fibreboard inner containers having Mullen test of not less than 300 pounds enclosed in outer corrugated fibreboard box testing not less than 200 pounds, except that gross weight may be increased to not exceeding 100 pounds and flaps of box must be glued and taped.

(Cancels "Package 1004", page 638 of classification.)

Package 1004

Cancel. ♦Obsolete.

(Cancels "Package 1082", page 645 of classification.)

Package 1082

In fibre boxes made of single-wall corrugated fibreboard complying with Sections 2 and 3 of item(rule) 222. For gross weights not exceeding 290 pounds, boxes must test not less than 275 pounds; for gross weights exceeding 290 pounds but not exceeding 440 pounds, box must test not less than 350 pounds except that when box is of 3 piece construction with flanged caps, the flanged caps may test 275 pounds. Gross weight must not exceed 440 pounds.

Article must be mounted on wood skids or wood frame full dimensions of container, made of lumber not less than ¾ inch thick, the combined cross-sectional area not less than 9 square inches, except when box is of regular slotted construction made of double-wall corrugated fibreboard testing not less than 275 pounds and gross weight does not exceed 290 pounds wood frame may be not less than ⅝ inch thick, the cross-sectional area not less than 9½ square inches, OR must rest on pad full dimensions of article made of same fibreboard as box and so scored and folded as to maintain not less than ½ inch clearance between article and bottom of container.

Not less than ¾ inch clearance must be maintained between front and sides of article and not less than ½ inch between back of article and the inner walls of container by tube taped at open corner lining all four walls of container and made of single-wall corrugated fibreboard testing not less than 200 pounds, OR by L-shaped corner posts made of either built-up corrugated fibreboard, the facings and corrugated medium weighing not less than 26 pounds per 1,000 square feet or single-wall corrugated fibreboard testing not less than 200 pounds scored and folded to maintain the prescribed clearance, OR by triangular shaped corner posts made of same board as box glued together and so constructed as to provide not less than 2 thicknesses of board in contact with article, OR two side walls of container must be reinforced by single-wall corrugated fibreboard testing not less than 200 pounds, full height of container and scored and folded to provide flanges extending around front and back to maintain the prescribed clearance. If length of container exceeds 34 inches and clearance at front of article is less than 3 inches, front of article must be further protected by fibreboard forms, the fibreboard meeting requirements of this paragraph. When ranges with hinged control panel have panel folded to back of article, corner posts may be omitted provided clearance of not less than one inch at front and back and ¾ inch at sides and top is maintained by forms made of built-up corrugated fibreboard and scored and folded single-wall corrugated fibreboard pad testing not less than 200 pounds. The facings and corrugated medium of the built-up corrugated fibreboard must weigh not less than 26 pounds per 1,000 square feet and must be applied at top so that corrugations are vertical. Control panel must be protected by fibreboard form testing not less than 200 pounds.

Not less than ¾ inch clearance must be maintained between top of article and inner surfaces of container and in addition top of article must be further protected with fibreboard tray or cap except that such tray or cap will not be required in box constructed with flanged caps except when article is attached to wood base frame and article is held down by full-height corner posts, top tray or cap may be omitted provided top flaps are glued not less than 75 percent of area of contact.

♦When box is constructed with body and flanged caps, flanges must be not less than 3 inches wide. When cap interlocks with flanges of body, cap must be securely strapped with metal straps or wire; when cap does not interlock with flanges of body, cap must be securely glued to body over entire area of contact. Boxes with flaps may have gap in top and bottom lengthwise or outer flaps not exceeding 4 inches when flaps are glued.

(Cancels "Package 1164", page 653 of classification.)

♦Package 1164

In metal cans, or in fibre cans, when frozen, having a capacity not exceeding 12 ounces and lined with aluminum foil or coated or lined with synthetic plastic and with metal tops or bottoms, in single-wall corrugated fibreboard boxes meeting the requirements of item (rule) 222 for boxes testing not less than 125 pounds, except when fibreboard tests not less than 150 pounds and combined weight of facings is not less than 66 pounds, gross weight may be increased to not exceeding 28 pounds.

For explanation of abbreviations and reference marks, see last page of this Appendix.

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued

Miscellaneous—Continued

(Cancels "Package 1240", page 661 of classification.)

Package 1240

Cancel. ▲See Package 1241.

(Cancels "Package 2024", page 685 of classification.)

♦Package 2024

In paper-wrapped bundles. Wrappers must consist of two plies of 40 pound extensible paper, laminated and reinforced with fibre glass or nylon scrim and a barrier of polyethylene. Net weight of bundle not to exceed 40 pounds.

OR

Wrappers must consist of two plies of 70 pound basis weight Kraft paper, laminated, reinforced with glass fibre; or wrapper may consist of two plies of 70 pound basis weight Kraft with the inner ply coated or treated so as to provide a moisture or vapor-proof barrier; or wrapper may consist of two plies of 70 pound basis weight Kraft paper, and an inner ply of polyethylene. Net weight of bundle not to exceed 80 pounds.

All bundles must be closed by either twisted wire closures, sewing, staples or by tape meeting the requirements of item (rule) 680, Section 9.

(Cancels "Package 2063," page 689 of classification.)

Package 2063

Cancel. ▲See Package 795.

EXPLANATION OF REFERENCE MARKS

(For explanation of abbreviations, see page 713 of classification)

Reference Mark	EXPLANATION	Reference Mark	EXPLANATION
♦	Indicates reduction.	♣	Effective February 15, 1969.
♦	Indicates increase.	Ⓔ	Subject to expiration date shown in item (rule) 535.
▲	Indicates change in wording which results in neither increases nor reductions.	(MW)	Minimum weight factor, see item (rule) 997.
△	Matter in this item is brought forward without change in application from item being cancelled.		
*	Indicates new item.		

For explanation of abbreviations and reference marks, see last page of this Appendix.

(Decision No. 72383)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. L. RATHJEN, 2203 WEST THIRD AVENUE, DURANGO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 23416-PP

January 7, 1969

Appearances: R. L. Rathjen, Durango, Colorado, pro se.

STATEMENT AND PROCEDURE OF RECORD

BY THE COMMISSION:

On September 23, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact that:

1. Applicant is an individual.

2. Applicant does not hold previously granted authority from this Commission.

3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.

4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 75 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 75 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That R. L. Rathjen, Durango, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 75 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 75 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1969.
gf

(Decision No. 72384)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS, PARTNERSHIPS, AND/OR PERSONS TO COMPLETE ACTIONS INSTITUTED BEFORE THE COMMISSION FOR AUTHORITY TO OPERATE AS COMMON OR PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE IN INTERSTATE COMMERCE ONLY OVER THE PUBLIC HIGHWAYS OF THE STATE OF COLORADO.

January 7, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Common or Private Carrier by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards, the required certificate of insurance or a written designation for service of notices, orders or process -- all of which is required by law and the Commission's Rules and Regulations Governing Common or Private Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or

persons as listed in the Order part of this Decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as Common or Private Carriers by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Robert & Robert, Jr. Anderson	Route #3, Siloam Springs, Arkansas 72769
Elmer J. Barclay	Box 216, Alvord, Texas 76225
Nathan E. Bronson	1412 West Vine St., Kissimee, Fla. 32741
Contractors Materials Co.	Box 146, Sturgis, Kentucky 42459
Jack W. Davis	2104 65th, Lubbock, Texas 79410
Durango Ice & Produce, Inc.	110 W. 6th, Durango, Colorado 81301
R. Garza dba R. Garza Produce	3019 Jane Ellen Drive, San Antonio, Tex. 78207
Ralph Ivey	Box 25, Siloam Springs, Arkansas 72769
Keller Brothers	308 S. Hudson, Oakley, Kansas 67748
Wayne Mills	310 E. Colorado St., Groesbeck, Tex. 76642
Dan Ourada	Rt. 1, Elm Creek, Nebraska 68836
Carlton D. Reames	105 Crockett Dr., Hutchins, Texas 75141
Gerald L. Smith	Rt. 8, Box 462, Oklahoma City, Okla. 73109
M. J. Soffee Company, Inc.	826 Shannon Dr., Fayetteville, N.C. 28303
Speedway Transportation, Inc.	Holdrege, Nebraska 68949
Stockliners, Inc.	Box 1188, Great Falls, Montana 59401

This Order shall become effective ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1969.

ls

(Decision No. 72385)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, 931 - 14TH STREET, DENVER, COLORADO, FOR AN ORDER OF THE COMMISSION DETERMINING THE FAIR VALUE OF APPLICANT'S PROPERTY DEVOTED TO THE RENDITION OF INTRASTATE TELEPHONE SERVICE IN COLORADO, A FAIR, REASONABLE, AND ADEQUATE RATE OF RETURN TO BE APPLIED THERETO, AND THE RESULTING AMOUNTS OF NET EARNINGS AND REVENUES REQUIRED IN THE FUTURE; AND, UPON SUCH DETERMINATION BY THE COMMISSION AND THE FILING OF A PROPOSED TARIFF AND ADDITIONAL HEARINGS THEREON FOR AUTHORITY TO FILE A SCHEDULE OF JUST AND REASONABLE RATES TO PRODUCE THE REQUIRED REVENUES.	APPLICATION NO. 23116

January 7, 1969

Appearances: Akolt, Shepherd & Dick, Esqs.,
Denver, Colorado, by
Luis D. Rovira, Esq., Denver, Colorado, and
Denis G. Stack, Esq., Denver, Colorado,
for Applicant;
Howard J. Otis, Esq., Denver, Colorado, and
James J. Keough, Esq., Arlington, Virginia,
for the Department of Defense and
General Services Administration,
Protestants;
Leonard M. Shinn, Esq., Washington, D.C., and
David M. Lewis, Jr., Esq., Washington, D. C.,
for Executive Agencies of the U.S. Government;
H. Leroy Thurtell, Esq., Denver, Colorado,
Thomas J. O'Reilly, Esq., Denver, Colorado, and
Iris Bell, Esq., Denver, Colorado,
for the General Services Administration,
Protestant;
Gorsuch, Kirgis, Campbell, Walker & Grover, Esqs.,
Denver, Colorado, by
Leonard M. Campbell, Esq., Denver, Colorado, and
Nicholas Mueller, Esq., Denver, Colorado,
for the Colorado Municipal League and the
City and County of Denver, Protestants;
Max P. Zall, Esq., Denver, Colorado, and
Brian Goral, Esq., Denver, Colorado,
for the City and County of Denver, Protestant;
Charles Howe, Esq., Boulder, Colorado,
for the Colorado Municipal League, Protestant;

Appearances continued:

Sonheim, Whitworth & Helm, Esqs.,
Arvada, Colorado, for the City of Arvada
and the Colorado Municipal League;
John F. Edwards, Esq., Sterling, Colorado,
for the City of Sterling;
Albert A. Riede, Denver, Colorado,
for the Colorado-Wyoming Hotel Association;
Frank Thompson, Denver, Colorado,
for the American Hotel and Motel Association;
Buron Keith Watson, Esq., Denver, Colorado,
for the American Brief Company;
Robert L. Pyle, Esq., Denver, Colorado,
Robert Lee Kessler, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission by Mountain States Telephone and Telegraph Company (hereinafter sometimes referred to as Applicant or Mountain States) on April 2, 1968. By said application, Applicant seeks Commission authorization to file new schedules of rates for intrastate telephone service in the State of Colorado based upon Commission determination, after hearing, of the value of Applicant's property devoted to such service, a fair return thereon, and the resulting amounts of net earnings and revenues required therefor.

After due and proper notice to all interested persons, firms or corporations, the above-entitled matter was initially set for hearing to commence on May 13, 1968. A petition to intervene was filed by the City of Sterling and was granted. Additional appearances protesting the application were made by the Colorado Municipal League and its member municipalities, the City and County of Denver, and the United States of America by and through the Department of Defense and the General Services Administration. The Commission hereby rules that the aforesaid parties are directly affected by this proceeding and are proper parties hereto in accordance with Rule 7 of the Rules of Practice and Procedure before this Commission.

The hearing began, pursuant to proper notice, at 10 o'clock A.M. on May 13, 1968, in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado. At that time, the direct testimony of Applicant's witnesses, Messrs. Pringle, Kesselman, Travers, Kutzler, Hatfield, Heckman and Doctors Brown, Coolidge and Kolb, was presented. The hearing was then recessed to May 16, 1968, in order to accommodate an additional witness of Applicant. On May 16 and 17, 1968, the direct testimony of Applicant's witness, Mr. Youmans, was received and clarification examination was conducted of all of Applicant's witnesses. At the conclusion of the direct case of Mountain States, the Colorado Municipal League, the City and County of Denver, and the Staff of this Commission, by and through their respective attorneys, made oral motions requesting additional information to be furnished by Applicant alleging that the information contained in the Applicant's direct case had been inadequate. The respective attorneys were instructed by the Commission to state their requests in writing and, as a result thereof, the hearing was recessed until further notice.

On May 28, 1968, a request for specified information and additional data was filed by the Staff of the Commission, and, on May 31, 1968, a similar motion was filed by the Protestants. On July 1, 1968, the response to the aforesaid request and motion was filed by the Applicant. Upon due and proper notice, the oral argument, with respect thereto, was heard by the Commission on July 15, 1968, and an Order of the Commission in this regard was issued on July 18, 1968. This Order granted and denied some of the requests, and--in addition--ruled that other requests made by Protestants' motion were premature. The aforesaid premature requests were not renewed during the course of this proceeding and therefore no further ruling by the Commission is now necessary. No ruling was made with respect to the motion of the Commission staff since Applicant had agreed to furnish the information requested. Applicant also agreed by stipulation, and without ruling of the Commission, to furnish certain other information requested by the Protestants. Commission Decision No. 71607 more fully sets forth the

details of this situation. Also, upon due and proper notice, hearings for the purpose of cross examination of the Applicant's witnesses were held on August 6, 7, 8, 12, 13, 14, 15, and 17, 1968. During the course of these hearings, additional direct testimony was presented by Applicant because of and to support revised exhibits. Such witnesses included: Mr. Travers, Mr. Heckman, Mr. Kutzler, Dr. Kolb and Mr. Robichaux. On August 17, 1968, the hearing was continued to a future date to be determined by the Commission. After due and proper notice to all interested parties, the hearing was resumed on October 7, 1968, and the direct testimony of Protestants and Staff witnesses, as well as the clarification and cross examination of Staff witnesses, was heard on October 7, 8, 9, 10, and 11, 1968. Ten public witnesses were also heard at that time wherein (a) eight opposed the application (b) one favored the application and (c) one neither opposed nor favored the same. Numerous letters of protest were also received by the Commission and placed in the official file. Mr. Melwood Van Scoyoc, independent expert witness, testified for Protestants, the City and County of Denver and the Colorado Municipal League, and Messrs. Garrison, Thompson and McNulty testified for the Staff. On October 11, 1968, the hearing was continued to October 21, 1968, for the purpose of further direct and cross examination of Protestant and Staff witnesses, as well as rebuttal testimony from the Applicant.

The hearing was duly resumed on October 21, 1968, and continued until October 25, 1968, during which time Mr. David A. Kosh, independent expert witness, testified on behalf of Staff and was cross examined. Direct and cross examination of Mr. Lipske, testifying on behalf of the General Services Administration, a Protestant, and further direct and cross examination of Mr. Van Scoyoc was presented. Rebuttal testimony by Applicant was presented by Messrs. Travers, Schneider, and Kesselman. A total of 23 days were spent in hearings which produced 3,567 pages of transcript.

The evidence was heard by Chairman Zarlengo, Commissioner Bjelland and Commissioner Lundborg, with the exception of the period October 21 through 25, 1968, during which time Chairman Zarlengo was necessarily absent and

the matter was heard by Commissioners Bjelland and Lundborg. At the conclusion of the hearing, October 25, 1968, the matter was taken under advisement by the Commission.

Applicant offered a total of 125 exhibits, all of which were admitted into evidence. These exhibits included Applicant's Exhibits Nos. 1 through 113 and Applicant's Exhibits Nos. 19A, 20A, 23A, 24A, 25A, 26A, 27A, 28A, 65A, 66A, 67A, and 68A. Staff presented 8 exhibits, numbered Staff Exhibits 1 through 8, all of which were admitted into evidence. Protestant, General Services Administration, presented two exhibits, No. GSA-1 and GSA-2, both of which were admitted into evidence. Protestant, City and County of Denver, offered exhibits marked Protestant's Exhibit A, Protestant's Exhibits D through S and Protestant's Exhibit K-1. All except Protestant's Exhibit D were admitted into evidence. Public witness Exhibit No. 1 was offered and admitted, but was subsequently withdrawn after the witness read the entire exhibit into the record. The bulk of the direct testimony was prepared in writing beforehand, and, by stipulation of the parties, was admitted as so prepared without being actually read into the record.

At the conclusion of the hearing, all parties were allowed to file single, simultaneous briefs which were to be due on or before December 2, 1968. The Staff declined the opportunity to file such brief. On December 2, 1968, briefs were filed by Mountain States, the General Services Administration on behalf of The United States, and by the Colorado Municipal League and the City and County of Denver. The Commission in considering all the evidence in this record has also taken official notice of its own Decisions Nos. 41363 and 67393.

THE RATE-MAKING PROCESS

The rate-making process involves the determination of fair and reasonable rates that will allow the utility in the future to recover from its ratepayers all the proper and necessary costs of doing business including capital costs. Capital costs are normally expressed as return on investment.

The first step in the rate-making process is to determine the proper period of time for which the revenue required to recover costs of doing business, as stated above, is tested. This involves the use of a "test year." The test year is normally a past period for which all financial and operating results are known. The advantage of using a past period is that actual results rather than estimates are presented. The next step is to adjust the actual test year results for known changes during the year and to normalize revenues, expenses and investment during the year as necessary. Thus, for instance, for a utility, the revenues of which are dependent upon the weather, such revenues must be adjusted to reflect a normal weather year and the same must in like manner be done with expenses. A telephone utility, of course, is not weather oriented, but there are still a number of adjustments that must be made. Any abnormal expense or revenue item must be eliminated, any booked costs that refer to an earlier period must be properly adjusted, and any major changes that occurred during the test year period must be annualized to reflect their effect for the entire period. These are known as "in-period" adjustments. Once a correct matching of revenues, expenses and investment in property is made, it is reasonable to assume that a projection of rates based on the test year conditions will continue to produce sufficient revenues. This is not to say that other factors may not be present that may affect future results. Therefore, occasionally adjustments for changes occurring after the test year must be made. Such adjustments are known as "out-of-period" adjustments. In this category one particular item is taxes. The utility has little or no control over the taxes it must pay, and a change in tax rates, for instance, would distort the future results if no adjustment were made for test year expenses.

The rationale of using a test year may be summarized as the Maine Commission did in RE Central Maine Power Co. 29 PUR 3d 113, 125:

> "A test year is justified as a basis for forecast of future rate of return on the assumption that the growth of revenues and of income will tend to take care of the growth in the rate base; and that the factors which interfere with this corrective tendency can be allowed for by measurement or judgment."

The next step is to determine the value of the property devoted to utility service, or the so-called rate base. This figure should reflect the investment in property that was actually used in the utility operations during the test year. Next the actual revenues and expenses are scrutinized to determine their propriety and reasonableness, making any adjustments that are necessary. The difference between revenues and expenses is the net operating income of the utility which produces the return on rate base. The rate of return in percent may be computed by dividing such net operating income by the rate base. The rate of return is a crucial determination, as it is the dollars produced by this rate of return that compensate the utility for its costs of capital. The costs of capital consist of interest on long term debt and associated expenses of debt service (fixed charges), costs of preferred stock, if any, with the balance of net operating income being available to the common equity investors. This balance must be such that capital may be attracted on reasonable terms and must therefore be sufficient to provide for a reasonable and adequate dividend, for a reasonable accumulation of surplus, and for the maintenance of the financial integrity of the utility. The total revenue requirements then consist of all the expenses that may be determined proper, including adjustments, and the above mentioned return or capital costs.

As can be readily seen, the cost of equity capital in a rate proceeding involves the single most important determination to be made by the regulatory body as judgment must be exercised to determine investor expectations. The revenue requirements as determined must be tested against the actual test year revenues with the result that either a deficiency or

excess in revenues is found to exist. At this point the first phase of the rate-making process is completed.

In the instant proceeding we are now at such a point and we have determined a certain deficiency in revenues. The next phase, which will possibly be the subject of further hearings, will be to determine how the deficiency in revenues determined herein will be applied to the various classes of service or the so-callled "spread of the rates." Here again, the deficiency in revenue will be apportioned on the basis of the actual test year customers or units of sales. In other words, the new rates will be developed so that, when applied to the test year conditions month by month, such rates would have produced the total revenue requirements including any deficiency previously determined. Obviously, in the future both the revenue requirements and the revenue produced by the new rates would be higher if the utility is expanding by increasing the number of customers and by selling more units of the utility service involved. However, the relationship between revenues, expenses and investment in plant should remain approximately the same if the rates are properly designed.

FINDINGS OF FACT

After careful reviewing the entire record herein, the Commission finds as fact from such record that:

1. Applicant is a public utility engaged in the business of providing telephone utility service both intrastate and interstate within the State of Colorado and other states. The Applicant's intrastate telephone business within the State of Colorado is under the jurisdiction of this Commission, and the Commission has jurisdiction over the subject matter of this application.

2. The Applicant is a subsidiary of the American Telephone and Telegraph Company which owns in excess of 86% of Applicant's outstanding common stock. The American Telephone and Telegraph Company has a number of other operating subsidiaries similar in nature to Mountain States and, in addition, has a manufacturing subsidiary, the Western Electric Company, and a research subsidiary, the Bell Telephone Laboratories. The entire group of companies, including American Telephone and Telegraph Company, Mountain States Telephone and Telegraph Company, Western Electric Company, Bell Telephone Laboratories, and other operating companies, which are subsidiaries of the American Telephone and Telegraph Company, comprise what is known and generally referred to herein as the Bell System.

3. The separation of revenues, expenses, plant and investment of the Applicant located in the State of Colorado between interstate and intrastate use is determined by the use of the Separations Manual promulgated by the Federal Communications Commission and the National Association of Regulatory Utility Commissioners. This Separations Manual, for the purposes of this proceeding, is approved by this Commission as the proper method of determining the proportionate share of intrastate revenue, expenses, plant and investment, and the actual accounting data presented by Applicant in this proceeding correctly reflect the application of said Separations Manual to determine the amount applicable to intrastate telephone service. A change in the Separations procedures as provided for in the Separations

Manual was made by the Federal Communications Commission in December 1967, resulting in the adjustments made in Findings No. 6 and No. 11 as set forth below.

4. The test year for determination of revenue requirements for the Applicant in this proceeding is the calendar year 1967.

5. The rate base of the Applicant for the test year, for the purposes of this proceeding, properly consist of:

a. Average plant in service of $364,579,041.

b. Average property held for future use of $225,927.

c. Average materials and supplies of $1,722,288.

d. Average plant under construction of $10,089,155.

e. Deduction of the average accumulated reserve for depreciation of $66,854,035.

6. The rate base of the Applicant, for the purposes of this proceeding, must be further properly adjusted by annualizing a change in the intrastate-interstate separations procedures (see Finding No. 3) by deducting therefrom $2,037,572.

7. The total value, for the purposes of this proceeding, of the Applicant's property devoted to intrastate telephone service in the State of Colorado consists of all the rate base items stated in the above Findings No. 5 and No. 6 and is $307,724,804.

8. The actual revenue of the Applicant derived from its intrastate telephone operations in the State of Colorado in the test year 1967 is $119,849,530 less uncollectible revenue of $388,754, or $119,460,776. The actual expenses, including taxes, of the Applicant applicable to its intrastate telephone operations in the State of Colorado for the test year 1967 is $97,332,709. After deducting the actual expenses, including taxes, from the total actual operating revenues, Applicant's net operating income derived from its intrastate telephone operations in the State of Colorado in the test year 1967 is $22,128,067.

9. The interest charged to construction during the test year 1967 and applicable to Applicant's Colorado intrastate operation is $501,546, which amount must be added to the net operating income of the Applicant if telephone plant under construction is included in the rate base. Therefore, the actual net operating earnings applicable to the rate base found in above Findings No. 5 to No. 7 is $22,629,613.

10. The net operating earnings of the Applicant derived from its Colorado intrastate operations for the test year 1967 must be further adjusted by subtracting therefrom the effect on net operating earnings of certain items booked in 1967 applicable to prior years, to wit:

a. Investment credit applicable to prior years - $63,468.

b. Ad valorem tax - $57,383.

c. Income tax accrual adjustment for previous years - $4,518.

11. The net operating earnings of the Applicant derived from its Colorado intrastate operations for the test year 1967 must further be adjusted by annualizing the effect on expenses of a change in separations procedures made in December of 1967 (see Finding No. 3), which effect is to increase the net operating earnings by $190,758.

12. The net operating earnings Applicant derived from its Colorado intrastate telephone operations in the test year 1967 must further be adjusted by annualizing of the directory advertising rate increase during 1967, the effect of which is to increase the net operating earnings by $25,167.

13. The net operating earnings of Applicant derived from its Colorado intrastate telephone operations in the test year 1967 must further be adjusted by annualizing the increase in franchise and license taxes in 1967, the effect of which is to decrease the net operating earnings by $17,187.

14. Effective January 1, 1968, Applicant is subject to an increase in Social Security taxes and an increase in postage rates. These increases in the cost of doing business are beyond the control of Applicant and, for the purposes of this proceeding, an adjustment to net operating earnings for the test year 1967 derived from Applicant's Colorado intrastate operations,

should be made as if said tax and postage increases had been in effect in 1967, the effect of which adjustment is to decrease the net operating earnings as follows:

a. Social Security tax increase - $39,215.

b. Postage increase - $29,353.

15. After making the necessary and proper adjustments stated in Findings No. 10 to 14 above, the adjusted net operating earnings of the Applicant derived from its Colorado intrastate operations in the test year 1967 is $22,634,414.

16. At the time this Order will become effective, Applicant will be subject to a 10% Federal income tax surcharge which was not effective in 1967 and which is scheduled to expire on June 30, 1969, unless extended by law. On the basis of the 1967 adjusted net operating earnings of $22,634,414, such tax surcharge is $1,591,919.

17. The Applicant has not taken advantage of the provisions of Section 167 of the Internal Revenue Code regarding accelerated methods of depreciation for tax purposes, and this Commission will not in this proceeding impute any tax benefits that might have accrued had Applicant used the provisions of accelerated depreciation.

18. The prices charged to Applicant for telephone equipment by the Western Electric Company, affiliated manufacturer, are and have been fair and reasonable.

19. The fair rate of return applicable to the rate base and valuation of property of Mountain States Telephone and Telegraph Company devoted to intrastate telephone service in the State of Colorado is 7.5%, which rate of return is, and will be, necessary and adequate to cover the costs of debt capital of Applicant and to provide for a reasonable return on the equity capital of Applicant.

20. The fair and reasonable requirement of net operating earnings, after applying the fair rate of return of 7.5% to the value of the Applicant's property devoted to intrastate telephone service in the State of Colorado in the test year 1967, is $23,079,360.

21. The difference between the required net operating earnings based upon the fair and reasonable rate of return as applied to Applicant's Colorado intrastate telephone operations in the test year 1967 and the actual net operating earnings, as adjusted for the same period, amounts to an earnings deficiency of $444,946. In order to produce $1 of net operating earnings, a revenue increase of $2.0816 is required using the applicable income tax rates in the test year 1967. Therefore, an increase in revenue of Applicant in the amount of $926,200 is required to produce the net operating earnings deficiency stated.

22. The unusually high rate of inflation in the general economy is presently well above the average rate of inflation during the fourteen years since the last rate case involving Applicant before this Commission in 1953. Accordingly, we find that an additional adjustment for revenue requirements to compensate for economic inflation is necessary at this time to the extent of one percent (1%) of the total revenue requirements based on the 1967 test year, or $1,207,757, which, in addition to the revenue deficiency stated in Finding No. 21 above, amounts to a total revenue deficiency of $2,133,957.

23. The 10% Federal income tax surcharge, as stated in Finding No. 16, while not effective in the year 1967, is a cost of doing business and is a proper tax expense over which the Applicant has no control during the period that the surcharge is in effect. Applicant's Colorado intrastate telephone revenues must be increased to cover the cost of the income tax surcharge by a special adjustment of Applicant's rates, such adjustment to be in effect as long as the tax surcharge is in effect to prevent a further deficiency in the net earnings of the Applicant during this period. Any revenue collected by Applicant to compensate for the 10% Federal income tax surcharge is further subject to both federal and state income taxes and other charges and, for each $1 of such surcharge, $2.29333 of gross revenue is required. The equivalent of the Federal income tax surcharge applicable to the actual net operating earnings of Applicant, as adjusted, derived from Applicant's Colorado intrastate operations in 1967 is $1,591,919, and the revenue requirement to cover

the said amount of income tax surcharge, taxes and other charges on the additional revenue is $3,650,796 ($1,591,919 x 2.29333). The revenue requirement to cover the effect of the said 10% income tax surcharge applicable to the deficiency of net operating earnings as stated in Finding No. 21 is $94,208 ($444,946 x (2.29333-2.0816)), for a total revenue requirement attributable to the tax surcharge of $3,745,004.

24. Wage increases outside of the test year are not proper and necessary adjustments to net operating earnings during the test year.

25. No adjustment of net operating earnings by the utilization of price level depreciation is proper in this proceeding.

26. The last previous rate case involving the Applicant's Colorado intrastate operations was in 1953 and the Applicant has not suffered attrition or erosion in earnings since the rates prescribed in the said proceeding went into effect. Based on this past history, no allowance for attrition or future erosion of earnings is necessary at this time, and the probability of attrition in the future has not been established in this record.

27. For the test year 1967, the number of common stock shares of Applicant applicable to its Colorado intrastate operations was 11,304,429 with an average book value of $18.65 per share.

28. The fixed charges applicable to Applicant's Colorado intrastate operations during the test year 1967 is $3,680,589.

29. Of the net operating earnings of $23,079,360 found to be fair, reasonable and necessary in Finding No. 20, after subtraction of fixed charges as stated in Finding No. 28 above, the amount available for the common stock applicable to Applicant's Colorado intrastate operations in 1967 is $19,398,771 or $1.72 per share. Earnings of $1.72 per share on a book value of $18.65 per share results in the rate of return on common equity of 9.2%, which is a fair, just and reasonable return and is sufficient and necessary to cover dividend requirements, accumulate a reasonable surplus, enable Applicant to maintain its credit and to raise

capital on reasonable terms, and assure the financial integrity of Applicant; and that such return is commensurate with returns on investments in other enterprises having corresponding risks.

30. The total revenue requirements, excluding interest charged construction and including uncollectible revenue, of the Applicant to be derived from its Colorado intrastate telephone operations on the basis of test year 1967 conditions is $121,983,487.

31. To compensate for the 10% Federal income tax surcharge, Applicant's revenue requirements stated in Finding No. 30 must be increased by the amount stated in Finding No. 23 of $3,745,004 during the period the said tax surcharge is in effect. This increase amounts to 3.07% of the total revenue requirements without the tax surcharge as stated in Finding No. 30 above.

32. The present annual and quarterly reports by Applicant to this Commission are inadequate and do not contain the detailed financial information regarding Applicant's Colorado intrastate telephone operations necessary for this Commission.

33. Applicant pays to American Telephone and Telegraph Company a general service and license fee equal to one percent of revenues except uncollectible and miscellaneous revenues, which license fee is a fair and reasonable charge for services furnished to Applicant by American Telephone and Telegraph Company, including the use of its patents, and said fee is a necessary and proper business expense of Applicant.

34. Various municipalities in the State of Colorado levy a franchise or license tax upon the local service revenues of Applicant within the respective municipalities. Such franchise or license taxes in the year 1967 did in no case exceed 3% of local service revenue, which is a reasonable charge for the use of streets and alleys of municipalities. A franchise or license tax in excess of 3% of local service revenue would not be such a reasonable charge and unless surcharged to the customers, the revenue from which is subject to these taxes, would constitute discrimination against customers outside of such municipal boundaries.

DISCUSSION

Test Year

The test year must necessarily be a past period for which all information is available if needless estimating and speculation is to be avoided. In this proceeding, most of the financial information presented by Applicant concerns its operations during the calendar year 1967. This is quite reasonable since the Application was filed on April 2, 1968. Therefore, since the only detail figures relating to a complete twelve-month period in this record are for the calendar year 1967, we have used such calendar year as the test year in our determinations.

Rate Base

The controversial items in this proceeding with respect to rate base may be classified as follows: (1) whether the rate base should be derived from original cost or the so-called "present value," (2) whether a year end or average rate base should be used, and (3) what are the proper elements of rate base that should be included.

We shall now discuss our findings in this regard. We have found that the proper valuation of the Applicant's property devoted to intrastate telephone service in Colorado is derived from the original cost of such property less accumulated provisions for depreciation rather than a value based on the so-called "present value." The reasons for such finding are rather simple. Under the accounting practices of the Uniform System of Accounts prescribed for the use of telephone utilities by this Commission, original cost of telephone property is a readily ascertained figure that is extremely reliable. Accumulated provision for depreciation is the actual amount that over the years has been charged to expense of operating such telephone properties less retirements, and is likewise readily ascertained. The so-called present value involves considerable judgment and conjecture. The Applicant presented evidence to show what the original cost of reconstructing intrastate telephone property would be at current prices. This

estimate is not based on an actual pricing of each item of telephone property, but rather on a broad index of telephone property construction costs developed for the entire Bell System. Any index that may be developed is subject to certain infirmities because of the necessity for sampling and eventually ends up as an informed estimate. It is also extremely unlikely that any telephone system would ever be reconstructed in the same manner and utilizing the same equipment as in the past. The determination of value in rate-making proceedings does not necessarily relate to a market value, as utility property is not generally bought and sold in a free market. Fundamentally, utility property acquires value only due to the fact that it produces income, and if it were not producing income it would have little or no value. Therefore, it is impossible for the Commission to use income producing characteristics of such property to determine its value as it is the Commission itself that determines the income that such property must produce. The original cost concept of value certainly reflects accurately and completely the dollar investment that was originally made in such property. This entire matter becomes somewhat academic as the rate of return is applied to the rate base to determine the revenue requirements. A different rate of return would have to be applied to the original cost or net investment valuation than to a rate base derived from the so-called present value. The end result would be approximately the same no matter which method of valuation would be used. Consequently, we have concluded that the proper value of telephone property to be used in the rate base calculations in this proceeding is original cost of such property less the actual accumulated provisions for depreciation (allocated depreciation reserve) and the fair rate of return we have found is applicable only to a valuation on such a basis.

Further, we have used an average rate base rather than a year-end rate base. The revenues and expenses and the resulting net operating earnings for a year are, of course, accumulated month by month and are in fact average figures for the year rather than an annualization of the revenues and expenses as of the last day of the period. For proper matching

of revenues, expenses and rate base, it is then also necessary, in our view, to determine the proper rate base on a month-to-month basis and use an average figure. To use the year-end rate base would distort this relationship. We are fully cognizant that this Commission has used a year-end rate base in other proceedings, but this has been done for the express purpose of creating an offset to attrition, recognizing that investment in utility property because of inflation is rising at a faster rate than the net operating income of the utility that provides the return. As we shall discuss later, no such offset is warranted at this time, but we will consider the effects of present abnormal inflation elsewhere herein.

There has been no controversy with respect to the inclusion of telephone plant in service and property held for future use in the rate base, and we have included these items accordingly. Neither is there any controversy in this record that the allocated depreciation reserve should be deducted to arrive at the rate base.

Both Staff and Protestants eliminated telephone plant under construction from the rate base. Telephone plant under construction does not, of course, produce revenues while it is under construction, and therefore under the strict theory of matching revenues, expenses and plant, it is not a proper item of the rate base. It is equally true that a utility company must continuously have plant under construction, especially in a growing situation, and may have considerable investment in such property that is not yet revenue producing. For this reason, the final cost of such plant includes the capitalized interest during the construction period. This interest during construction should represent the capital costs of the utility company that are applicable to investment in plant while such plant is under construction. Thus, the interest during construction is a legitimate cost of property which later forms part of the rate base on which the utility company may earn a return when it is placed in service. The Applicant has included plant under construction in the rate base, but has likewise credited income with an amount equal to the

interest charged construction during the year. As long as the rate used for computing interest during construction equals the rate of return applicable to the entire rate base this process would result in a zero effect as to the revenue requirements. It is apparent from the record, however, that over the years Applicant has not charged interest during construction on a rate equal to the allowed rate of return, but rather at the lower rate of 5%. We would strongly urge that interest during construction in the future be charged at a rate comparable to the allowed rate of return. However, since this has not been done in the past, the Applicant, if plant under construction were not included, would not be fairly compensated for its capital costs relating to such plant. Any growing and prospering telephone utility must continuously construct plant improvements and extensions if good service is to be provided. It is therefore entirely proper to include plant under construction in rate base as long as income is credited with interest charged construction.

We have not included the acquisition adjustment of $35,511 in the rate base. It appears from the record that this acquisition adjustment resulted from an exchange of property with the Eastern Slope Telephone Company pursuant to our Decision No. 67393. Upon reviewing said Decision, we find no indication therein that an acquisition adjustment was contemplated at that time, but rather that the exchange was on an approximately even basis at book values of the properties. It certainly does not appear that this Commission was advised of the possibility of an acquisition adjustment when it ruled on the public convenience and necessity of such an exchange. Consequently, we have determined that this acquisition adjustment is not properly includable in the rate base, and due to the small amount involved, it should have been written off to surplus immediately after it arose. If the Applicant had any doubts about the treatment of the acquisition adjustment after it arose, it could have, and should have, asked for a ruling of this Commission how it should be treated with respect to the Colorado intrastate operations. There is no evidence that this was done.

Working capital is likewise an item of controversy. Undoubtedly any business, including a telephone utility, requires working capital to appropriately conduct its business. In this regard it must have materials and supplies on hand, and therefore, we have determined that materials and supplies is a proper item to be included in the rate base. In regard to cash working capital, however, we must observe that the Applicant has large amounts of accrued taxes which have been collected as part of the revenue from its customers but remain in the hands of the Applicant until paid to the taxing authority. This free source of funds costs the Applicant nothing and provides a larger sum on an average basis than the cash working capital claimed necessary by the Applicant. We therefore have concluded that no allowance for cash working capital need be included in the rate base. It should be observed that Applicant has not presented in its case any evidence to show what the lag between receipt of revenues is as compared to payment of expenses, but has included as a judgment figure thirty days of expenses excluding depreciation and taxes as cash working capital. This Commission has on occasion allowed as much as forty-five days of expenses, excluding depreciation and taxes, for cash working capital in cases where customers are billed after the service has been rendered. In the case of the Applicant, it is necessary to note that local service revenues are billed in advance and therefore the requirement for cash working capital is radically changed.

Both Staff and Protestants also deducted from the rate base the accumulated deferred investment tax credit. Accumulated deferred investment tax credit arises from the fact that under the Internal Revenue Code Applicant is allowed a tax credit of three percent on investment in qualified property. Applicant credits on its books the amount realized as a deferred item and then amortizes these credits for the life of the property to which the credit refers. Consequently, Applicant's income reflects these credits over the useful life of the property involved rather than in the year in which this credit is actually obtained and applied to the income tax payable. After considering the applicable provisions of the Internal Revenue Code and

the intent of Congress as stated therein with respect to federal regulatory agencies, we have found that this is the proper treatment. The question then arises whether or not the accumulated deferred investment tax credit which represents funds that have not been supplied by investors of the Applicant should be included in the rate base. Certainly the funds have not been supplied by investors of the Applicant. On the other hand, it is quite clear that this reserve for deferred credits does not represent any particular piece of property, and it would be improper to reduce thereby the value of property devoted to telephone service. It would, however, be appropriate to take this amount of deferred credits into account when considering the capitalization ratios and perhaps assign a zero capital cost to this portion. However, under the method of determining return on equity that we have used and discussed later herein, only the actual equity capital applicable to Colorado intrastate operations of Applicant is considered and the question of capital supplied by sources other than investors becomes moot.

Adjustments to Rate Base

The only adjustment to the rate base proposed by all parties was the adjustment for a change in the separations procedure that became effective in December of 1967. In general, separations of telephone property between intrastate and interstate usage have been made by Applicant in conformity with the Separations Manual referred to in our Findings above. There has been no controversy in this record with respect to the methods employed, and the separations made by Applicant have been accepted. In addition, however, another adjustment in the separations procedure was made in December 1967, as stated, which resulted in a reduction of the proportionate share of telephone plant applicable to intrastate use. Appropriately, then, this adjustment should be annualized to reflect its effect on the entire test year 1967. There is a slight difference in the computations for this adjustment by Applicant and Staff in Applicant's Exhibit No. 23 and Staff Exhibit No. 5, respectively. Since the adjustment for December was already contained

in the test year figures, the method employed by Staff applying only 11/12ths of the annual adjustment is more appropriate and the resulting smaller deduction from rate base will be used by the Commission herein.

The value of Applicant's property used to provide intrastate telephone service in Colorado during 1967, or rate base, is accordingly computed as follows: 1/

Average plant in service	$364,579,041
Average plant held for future use	225,927
Average materials and supplies	1,722,288
Average plant under construction	10,089,155
Subtotal	$376,616,411
Less: Average allocated Depreciation Reserve	66,854,035
Less: Separations Adjustment (net)	2,037,572
Total rate base	$307,724,804

1/ Average plant under construction from Applicant's Exhibit #100, Tab A, Worksheet A-2, line 19.
Other figures - Staff Exhibit #5

Revenues and Expenses

There is no controversy in this record as to the actual 1967 revenues and expenses of the Applicant with respect to its Colorado intrastate operations, except for income taxes and interest charged construction. (Applicant's Exhibit 23, Column A and Staff Exhibit No. 4, Column A.) Since we have included plant under construction in the rate base, we will likewise credit net operating earnings with the interest charged construction during the year 1967 as discussed above. We have, however, not included interest during construction as a revenue item because it is not truly revenue, but simply an adjustment of net operating earnings. With respect to income taxes, the Staff advocates the flowing through of the investment tax credit in the year in which it is realized instead of following Applicant's procedure of amortizing the realized credits over the service life of the property to which such credits are applicable. After careful

consideration, this Commission would place greater weight on the intent of Congress with respect to the treatment of investment tax credit that the Federal regulatory agencies are directed to follow. Therefore, it is out opinion, that the benefits of this tax credit are more appropriately flowed through to the benefit of ratepayers over the service life of the property which will give full effect to the intent of Congress to stimulate new investment by the allowance of this credit. As a separate adjustment, Staff Exhibits Nos. 4 and 7 show the pro forma effect on net operating earnings if Applicant had taken accelerated depreciation deductions for tax purposes under Section 167 of the Internal Revenue Code. Applicant has, however, not used accelerated depreciation for tax purposes, and consequently, we do not deem it proper to impute the estimated benefits to operating earnings without considering the far reaching effects that this might have. The record, of course, fully discloses that the use of accelerated depreciation for tax purposes would have decreased the income taxes payable by Applicant for the test year 1967. On the other hand, it appears that there might be the added risk to the common equity holder that an increase may occur in the federal income tax sometime in the future, even though a possibility of an increase may be based on several contingencies that cannot even be foreseen at this time. Since our rate of return determination will be based on the actual cost of capital to the Applicant under existing conditions, it would be improper to impute any tax benefits that might impose additional risk to Applicant's business without making adjustments in the capital costs. There is no evidence in the record that would permit us to make such an adjustment in the cost of capital.

In-Period Adjustments

Again there is no controversy in this record as to the propriety of several adjustments to revenues and expenses because of changes that have occurred during the test year. There is no question that proper adjustments must be made to annualize such changes; therefore, we have made adjustments

to net operating earnings of Applicant derived from its intrastate Colorado operations for:

1. Column B, Exhibit 23 -- This refers to a book entry in 1967 of investment tax credit that is applicable to prior years.

2. Column C, Exhibit 23 -- This is an adjustment in property taxes booked in 1967 but referring to prior years.

3. Column D, Exhibit 23 -- Separations adjustments discussed before, affecting expenses.

4. Column G, Exhibit 23 -- Reflects annualization of increases during 1967 in franchise and license taxes paid by Applicant.

5. Column H, Exhibit 23 -- This reflects an annualization of increases in directory advertising rates during 1967.

6. Staff adjustment on Exhibit No. 4 for $4,518 of income taxes applicable to prior years.

Out-of-Period Adjustments

The best and most proper matching of revenues and expenses with investment during the test year precludes the use of out-of-period adjustments that occur in the normal course of business. The use of all possible out-of-period adjustments creates enormous difficulties. The test year concept would be abandoned unless proper out-of-period adjustments should be made to all the items that enter into the rate-making process including revenues, all expenses, taxes and utility plant; and, in effect, a new and future test year would be created by doing so. For this reason, we will not allow the selected adjustments contained in Columns I and J of Applicant's Exhibit 23 which reflect wage increases under collective bargaining contracts. We must observe that wage increases for the Applicant's employees are not unique for the years 1968 and 1969, but that wage increases have occurred on a more or less regular basis in the past as demonstrated in

Applicant's Exhibit No. 5. There is no evidence in the record that would lead us to believe that 1968 and 1969 wage increases are extraordinary and not related to the increase in productivity of the Applicant's employees.

We have also disallowed an adjustment for price level depreciation. After considering the evidence it is our opinion that depreciation charges should be based on the original cost of the property. Furthermore, for the same reasons that we will not impute tax benefits resulting from the use of accelerated depreciation methods, we should not impute price level depreciation for rate-making purposes as it would certainly affect the cost of capital and the required rate of return.

Column L, Applicant's Exhibit 23, proposes an adjustment of allowance for attrition. Attrition is defined as erosion in the rate of return. This erosion occurs when inflation or other economic forces cause the expenses or investment or both to increase at a faster rate than revenues. The evidence in this record clearly demonstrates that this has not been the case with respect to Applicant's Colorado intrastate operations. The rate of return since the 1953 rate case before this Commission, Decision No. 41363, Application No. 12292, has almost every year since 1955 been in excess of the 6.69% rate of return that was used by the Commission in 1953 to determine the revenue requirements of the Applicant and the rates necessitated thereby. There has been some testimony by Applicant's witnesses that attrition may take place in the future. With the record before us, however, which illustrates a perfect lack of attrition in terms of erosion in the rate of return since the last rate case, in spite of several rate <u>reductions</u> in the interim period, it is inconceivable to us how an allowance for attrition either in a dollar amount or in the rate of return could be supported at this time. This does not mean that we do not recognize the inflationary economic forces that have taken place in the economy and that affect telephone utilities, but rather that the normal forces of inflation have been effectively and completely offset by good management, efficient operations and increased usage of telephone services.

The Applicant has presented evidence suggesting that the offsetting factors to the economic forces causing attrition that have been present in the past are exhausted and will not be present in the future. In this regard we point out that in addition to the factors already mentioned, the Applicant has at its disposal two major means of offsetting increased costs. Both of these refer to income tax expense that will be borne by the Applicant in the future. First, an increased debt ratio will tend to reduce federal and state income taxes because of the fact that interest expense is deductible for both federal and state income tax purposes. As discussed later, the debt ratio suggested by the Applicant's expert witness would result in an additional decrease of federal income taxes equal to approximately .30% of the composite rate of return. On a three hundred million dollar rate base this is an additional $900,000 applicable to the net operating earnings derived from intrastate Colorado operations. Applicant's witnesses indicated, however, that such benefits may, in fact, not devolve upon Applicant and its immediate stockholders, but may rather be taken by the parent company and its stockholders.

It is, of course, the prerogative of Applicant to incur long term debt at either the operating subsidiary or the parent company level, but the benefits of such debt in the form of the interest deduction for tax purposes should be applied at the point where such benefit arises, namely the plant and assets of the operating company.

Second, there is no doubt in the minds of this Commission, from the record herein, that using accelerated depreciation methods under Section 167 of the Internal Revenue Code would be of benefit to the Applicant and its ratepayers alike. The rebuttal testimony presented by Applicant in no way indicated that this was not so. Mr. Kesselman, independent expert witness, testified mainly on the relative merits of flow-through or normalization accounting. It is undisputed, however, that the aggregate tax benefits continue to increase under the conditions where new plant is added by a utility every year at a relatively high rate. Certainly in the

case of the Applicant and its Colorado operations there is every expectation that new plant will be constructed at a high rate in the future. Applicant's Exhibit No. 61 indicates that invested capital is expected to grow at a minimum compound rate of 6.9% per year. By the use of accelerated depreciation methods for tax purposes, which are optional under the Internal Revenue Code, Applicant could, therefore, not only offset the effects of inflation, but probably reduce its costs far beyond any allowance for attrition that might be suggested. As a comparison, Protestant's Exhibit A shows that if accelerated depreciation had been used since 1954, income taxes attributable to Applicant's intrastate Colorado operations would have been reduced in 1967 by more than 3 million dollars; whereas the Applicant suggested an allowance for attrition of less than one-half million dollars a year. Even if Applicant's estimates of the impact of 1968 and 1969 wage increases should be included, which we would not consider proper in any event, the total possible attrition is less than the total possible tax benefits mentioned. Protestant's Exhibit A, which was prepared by Applicant, further shows that if accelerated depreciation would have been taken in 1967 only on those assets which were acquired and qualified during 1967, the tax benefits would amount to $446,572. This benefit could be derived without the necessity of obtaining permission from the Internal Revenue Service to change accounting procedures. Furthermore, it should be noted that this figure arises from taking only one-half year depreciation on the assets acquired during the current year, and this figure would necessarily be approximately three times larger in the following year, as tax benefits are derived from assets added in two separate years, and would continue to grow in subsequent years as the process is continued.

Our discussion regarding attrition or erosion of earnings, however, refers only to a more "normal" rate of inflation such as has taken place over the period of years since 1953. On the average, the Gross National Product deflator index during this period 1953-1967 has grown at a compound rate of 2.1% a year, while the increase since 1965 has been at a rate of

3.1% a year. It takes approximately a year to complete a major rate case such as the instant proceeding and put new rates into effect. On this basis, it is the finding of the Commission that while inflation at an average rate of about 2.1% annually has not and will not result in a gradual attrition of Applicant's earnings, the recent abnormal price inflation at a rate of 1% higher than the fourteen year average necessitates an adjustment of revenue requirements in the magnitude of 1% to do no less than compensate for the unavoidable lag in putting new rates in effect.

Nor is the abnormal inflation reflected solely in the so-called Gross National Product deflator index. Similar unusual increases are reflected in other indices, which lend sufficient credence to our conclusion. For instance, the Consumer Price Index in the period 1953 to 1967 changed by 27.6 points from 111.2 in 1953 to 138.8 in 1967; 7.7 points, or 28% of this increase occurred in the last 2 years (1965-1967). Similarly, the Wholesale Price Index increased from 92.7 in 1953 to 106.1 in 1967, an increase of 13.4 points in 14 years, while the increase from 1965 to 1967 was 3.6 points, or 27% of the total 14-year increase. It is common knowledge that the recent accelerated inflationary trend has not yet been reversed.

Accordingly, we have found that a special adjustment is necessary under the particular circumstances at this time. This adjustment which at this time should no more than counteract the necessary "regulatory lag" of approximately one year before new rates can become effective, is necessary so that the relationships of rate base, revenues and expenses for the 1967 test year, as adjusted herein, would continue for the foreseeable future, barring a recurrence or continuance of an inflationary trend of recent magnitude.

In regard to Columns E and F of Applicant's Exhibit 23, these reflect increases in the social security taxes and postage rates effective as of January 1, 1968. While technically out of period, they still reflect increased costs that are beyond the control of Applicant. Therefore, we

have made an adjustment in net operating earnings of the amounts stated in the respective columns of Applicant's Exhibit 23.

Applicant's Exhibit 23A contains another adjustment in Column AA which reflects the increase in federal income tax because of the 10% federal surcharge effective in 1968 and scheduled by law to expire in mid-year 1969. While this adjustment again reflects an increase in the costs of doing business beyond the control of Applicant, it nevertheless requires somewhat special treatment because of the possibility that the tax surcharge, unless the law is changed, may expire shortly after the rates we shall allow in this proceeding become effective. Therefore, it is most proper that this additional cost of doing business as reflected in Column AA of Applicant's Exhibit 23A together with adjustments included in Columns C, D, E, F, G, and H of Exhibit 23A that relate to the tax surcharge effect should be allowed in the form of a special adjustment in addition to the regular rates. By this method, Applicant will be able to recover this additional cost of doing business during the period such tax is actually in effect and such additional cost will automatically expire if and when this tax surcharge expires, so that ratepayers will not be burdened with rates reflecting costs no longer applicable.

The total of the 10% federal income tax surcharge applicable to the net operating earnings, as adjusted for the test year 1967, has been computed as follows:

Tax surcharge on actual taxes for 1967	$1,592,699
Effect of the tax surcharge because of adjustments, Ad Valorem tax adjustment - Column C Applicant's Exhibit 23A	(5,297)
Separations adjustment - Column D, Applicant's Exhibit 23A	10,110
Social Security Tax increase - Column E, Applicant's Exhibit 23A	(3,620)
Postage increase - Column F, Applicant's Exhibit 23A	(2,709)
Franchise and license tax increase - Column G, Applicant's Exhibit 23A	(1,587)
Directory advertising rate increase - Column H, Applicant's Exhibit 23A	2,323
TOTAL	$1,591,919

These totals do not include the effect of the tax surcharge on the increases in net operating earnings that we shall allow and such effects will be discussed under "Revenue Requirement" later in this Order.

Rate of Return

Rate of return testimony was presented by three witnesses. One of the Applicant's witnesses, Dr. Burton A. Kolb, testified on comparable rates of return on the present value of net assets of a group of industrial companies and recommended a return of 7.5 to 8.5 percent on present value. Since we are not using the present value of telephone property in rate base, we have not considered this recommended rate of return any further, except to note (as was done above) that different rates of return would apply to a net investment rate base and a rate base based on original cost. With respect to original cost rate base, Applicant's witness, Mr. Heckman, testified that comparing earnings with a group of industrial companies the rate of return on common equity should be 13%, which after applying a hypothetical debt ratio of 40% resulted in a computation (Exhibit No. 55) as follows:

	Capital Structure	Cost of Capital	Proportional Cost
Debt			
Present	29%	4.59%	1.33%
Additional	11%	5.42%	.60%
Equity	60%	13.0%	7.80%

Recommended overall rate of return (By Heckman) - 9.73% or 9% to 10%

Mr. David A. Kosh, independent expert witness, testified on behalf of the Staff and recommended a rate of return of 7% based upon a hypothetical debt ratio of 50% and a cost of equity of 9%. Upon reviewing the evidence, we find little comparability between a telephone utility, such as the Applicant herein, which is a part of the nationwide Bell System, to a group of industrial companies. /1 Neither the capital intensity,

/1 See also Re American Telephone and Telegraph Company, et al, 71 PUR 3d 273, 280, 281 (FCC Docket 16258).

markets, capitalization structures, nor fluctuations of earnings appear to be similar. It may be said that "regulation is a substitute for competition," be we interpret this in terms of regulation of prices. Certainly neither this Commission, nor any other similar commission, can regulate interest rates or costs of equity capital. These capital costs must be considered in terms of what they actually are. To simply substitute therefor rates of return earned by any group of other companies is, in our view, not appropriate. The price of the utility service or the utility rates may then be set at the level that is fair and reasonable, considering all of the costs of doing business of the utility including capital costs. It should be emphasized that this does not eliminate any comparison with other sectors of the economy; market prices of common stock are an integral part of the discounted cash flow formula used by Mr. Kosh in his analysis. Market prices in turn are determined by investor expectations and evaluations of the comparability on the investments. We have therefore concluded the proper way to determine a fair and reasonable rate of return is to determine as closely as possible the actual cost of debt and equity capital.

In this regard the effect of various debt equity ratios may be considered. It is obvious that increasing the debt ratio will increase the leverage effect and therefore the earnings of the common equity will increase, as Staff Exhibits 1, 2 and 3 demonstrate. It is also true that increasing the debt ratio may increase both the cost of debt and the cost of equity because of additional risks to investors. We have found, therefore, that it is more realistic to evaluate the return on equity capital in terms of the actual capital structure as it existed during the test year, and test such results against the higher debt ratios suggested by both Applicant's and Staff witnesses. The record herein clearly indicates that the Bell System policy is to increase the existing debt ratio. In terms of the actual test year 1967, we found from the evidence that the fair rate of return applicable to the average rate base on original cost basis to be 7.5%. In view of the United States Supreme Court

mandate in the Hope case [1] we then tested this rate of return against the end result. The fixed charges applicable to the Applicant's Colorado intrastate operations in the test year 1967 were $3,680,589. It should be noted at this point that these are the actual fixed charges including interest and the related charges to all of the debt, including advances from the parent company which were not apparently considered by either expert witness.

The actual return on equity is computed as follows:

Net Operating Earnings (7.5% x $307,724,804)	$23,079,360
Less: fixed charges	3,680,589
Earnings available for common equity	$19,398,771
Common stock shares applicable to Colorado intrastate	11,304,429
Earnings available per common stock share	$ 1.72
Average book value per share	$ 18.65
Rate of return on equity	9.2%

The resulting 9.2% return on equity is somewhat above the bare cost of equity of 9% as computed by Mr. Kosh and in line with his recommendation that the actual rate of return on common equity should be 9.2% (based, however on a 50/50 debt-equity ratio). In view of the higher future debt ratios suggested by the two expert witnesses, we further tested the overall rate of return against the recommended capitalization ratios in this record. Using Mr. Heckman's recommendation of 40% debt, we get a rate of return on common equity of 9.28% as follows:

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[1] Federal Power Commission v. Hope Natural Gas Co., 320 U.S. 591, 64 S.Ct. 281

	Capital Structure	Return	Proportional Return
Debt			
Present	29%	4.59%	1.33%
Additional	11%	5.42%	.60%
Total Debt	40%		1.93%
	Overall rate of return		7.5%
	Less: debt portion		1.93
	Available for equity		5.57%
	Return on equity 5.57 ÷ 60% =		9.28%

Using Mr. Kosh's recommendation of 50% debt we get a return on common equity of 10.2%:

	Capital Structure	Return	Proportional Return
Overall rate of return	100%		7.50
Less: debt portion	50%	4.81%	2.40%
Available for equity	50%		5.10%
	Return on equity 5.10% ÷ 50% =		10.20%

Since interest on debt is deductible for income tax purposes, additional earnings would be generated by the reduction in income taxes as debt is increased.

From the above we concluded that a 7.5% rate of return is a fair rate of return to be applied to the average rate base applicable to the Applicant's Colorado intrastate operations and would produce earnings on common equity that are fair and reasonable in terms of the cost of such equity capital. An increase in the debt ratio, because of additional leverage, would produce additional equity earnings that are fair, reasonable and necessary for the continued attractiveness of an equity investment in Mountain States stock in the future.

In our determination of the rate of return, we have considered all of the factors which have a bearing thereon. In doing this we necessarily observe that the financial and tax policies of the Applicant are extremely conservative, and it is our feeling that such conservative policies tend to reduce the risks to equity capital. We have already discussed the

possibilities of future attrition and the two major means at Applicant's disposal to reduce income taxes to counteract any erosion in earnings due to normal inflation. We are quite aware that the California Commission has imputed to the Pacific Telephone and Telegraph Company a limited amount of income tax benefits that could have been derived from the use of accelerated depreciation, and further, that the Federal Communications Commission is still studying this matter. The reasons for not using this advantageous provision in the income tax law by the Applicant have not been sufficiently explained in this record. Neither has it been shown in this record to what extent, if any, the risks to investors would be increased under more aggressive policies with respect to increased debt ratio and the use of accelerated depreciation. We strongly believe that further study of these matters should be made by the Applicant before another proceeding involving these same issues should be instituted by Applicant before this Commission.

Revenue Requirements

The total revenue requirements based on the test year 1967 conditions are computed by adding to the actual 1967 revenues an amount that would produce after income taxes the deficiency in net operating earnings that we have computed. This deficiency has been determined as follows:

Net operating earnings required to realize a 7.5% return on rate base	$23,079,360
1967 net operating earnings as adjusted	$22,634,414
Deficiency	$ 444,946

To compute the required revenue and provide for the income taxes on such additional revenue we must first do the following calculations with respect to each revenue dollar.

Gross revenue	$1.000000
Less: uncollectible revenue	.002002
Balance	$ .997998
Less: general service and license fee (1% of .997998)	.009980
Less: taxes on local service revenue	.015565
Taxable income (State)	.972453
Less: State Income Tax @ 5% of .972453 =	.048623
Taxable income (Federal)	.923830
Less: Federal Income Tax @ 48% of .923830 =	.443439
Balance for net operating earnings	$.480391

The reciprocal of the last figure equals the amount of gross revenue required for each dollar of net operating earnings, as follows:

$1.00 ÷ .480391 = $2.0816

Therefore, in order to obtain an increase in net operating earnings of the Applicant on the basis of 1967 conditions of $444,946, the gross revenue must be increased by $444,946 x 2.0816 = $926,200.

The above computation does not include any effect of the income tax surcharge. The revenue required to compensate the utility for the income tax surcharge is not simply equal to the surcharge, as any additional revenue becomes taxable income to the utility. Consequently, the revenue increase must cover the tax surcharge plus the income taxes (including surcharge) on the additional revenue. In effect, the utility is paying a tax on tax. To measure the effect of the tax surcharge on any additional net operating earnings that we may allow to the Applicant, the calculation of revenue required for each dollar of net operating earnings must be further continued; as follows:

Federal income tax for each new revenue dollar as computed above	$ .443439
10% surcharge on federal income tax	.044344
Net operating earnings as computed above for each dollar of revenue	.480391
Less: Federal income tax surcharge	.044344
Net operating earnings after surcharge	$ .436047

Again, to find the amount of gross revenue required for each dollar of net operating earnings, the reciprocal of the above figure ($.436047) must be obtained, and it is: 1 ÷ .436047 = $2.29333. Therefore, to compensate the Applicant for the 10% tax surcharge on the additional operating earnings that we have allowed, the following calculation must be made:

Net operating earnings	$ 444,946
Gross revenue required before taxes, including the 10% surcharge (Factor = 2.29333)	$1,020,408
Gross revenue required before taxes, without the 10% surcharge (Factor = 2.0816)	926,200
Difference in gross revenue attributable to 10% surcharge	$ 94,208

To recover the federal income tax surcharge applicable to net operating earnings, as adjusted for the year 1967, the following calculation must be made:

Effect on net operating earnings multiplied by the factor of 2.29333 equals gross revenue required, or:

$1,591,919 X 2.29333 = $3,650,796

The 1% special adjustment for abnormal inflation is computed as follows:

1967 Gross revenue, including uncollectible revenue (Finding No. 8)	$119,849,530
Revenue deficiency computed on basis of 7.5% return in test year (not considering income tax surcharge) (Finding No. 21)	926,200
Total Revenue Requirement before special inflation adjustment	$120,775,730
1% of the above = special inflation adjustment	1,207,757
Total Revenue Requirement on the basis of 1967 test year (Finding No. 30) is the total of the above two figures, or	$121,983,487

The total additional gross revenue required is:

Attributable to inflation adjustment	$1,207,757
Attributable to earnings deficiency	926,200
Attributable to 10% income tax surcharge	3,745,004
Total	$5,878,961

Western Electric Prices

Applicant presented evidence to show that prices of equipment and materials furnished by Western Electric, an affiliate in the Bell System, are fair and reasonable. Needless to say, the affiliate profits are a proper subject for inquiry in regulating utility rates. Although no testimony was presented on the subject, Protestants indicated during cross examination that equipment furnished by Western Electric should be repriced to reflect the same rate of return to Western Electric as allowable to Mountain States Telephone, the utility affiliate. In any event, in line with our previous discussion, we are of the opinion that rates of return on investments in industrial companies, including Western Electric, may well need to be higher than those of a utility company such as the Applicant and no true comparability exists. The record is clear and convincing that the prices charged by Western Electric have been generally lower than those charged by other manufacturers for comparable equipment. Therefore, we conclude that no repricing of purchases from Western Electric is warranted or necessary to adjust the rate base.

General Service and License Fee

Applicant pays to American Telephone and Telegraph Company, its parent corporation, general service and license fee equal to one percent of gross revenues, not including miscellaneous and uncollectible revenue. In return the Applicant obtains a number of different services in the nature of financial, legal, engineering and operating assistance. The evidence in this record indicates that the cost of these services alone exceed the one percent fee. In addition, Applicant has the free use of all of its parent company's patents and innovations in the manner telephone service is rendered. We, therefore, conclude that such charge, again subject to review because of the affiliate relationship, is fair and reasonable and a necessary business expense.

Local Franchise and License Taxes

It is not uncommon for a municipality to levy a local franchise or license tax upon a utility, which tax is normally designed to compensate the municipality for the use of its streets and alleys by the utility. Not only is it not uncommon, it is also reasonable. A problem arises when such taxes exceed the bounds of reasonableness and become solely a method for raising revenue for general municipal purposes. If the entire franchise or license tax is then allowed as a necessary expense of the utility and, consequently, the utility rates reflect such taxes, all the customers of the utility are paying a proportionate share thereof. If such taxes are used for the purpose of raising general revenue for the municipality, a discriminatory situation may arise whereby customers outside the municipal boundary of a particular city or town are in effect paying general taxes to a municipality. We have, therefore, concluded that a franchise and license tax of not more than three percent of local revenue is a reasonable charge for the use of municipal streets and alleys, but we feel that any part of a franchise or license tax in excess of three percent of revenue should be properly surcharged to the customers located within such municipality and upon whose revenues such tax is levied. There is no question of the power of the municipality to levy this type of tax, but the incidence of the tax should be properly directed to prevent discrimination to the customers outside the municipal boundaries. There may, of course, be special circumstances where a higher percentage may be indicated. The Commission will therefore provide in its Order to follow that any portion of a municipal franchise or license tax in excess of three percent of local service revenues will be surcharged unless otherwise ordered by this Commission at the time when such higher tax may become effective.

Annual Reports by Applicant

During cross examination of the Staff witnesses, the proposition was advanced by Applicant's Counsel that neither the Commission nor its Staff

were bound by the test year of 1967 in this proceeding as the Applicant had filed quarterly reports of its operations which would be more up to date. It is quite obvious, of course, from the record that such quarterly reports do not even remotely approach the detailed information that is required for a rate case, and the only basis upon which this Commission can make its findings is for the test year 1967. This line of questioning has, however, painfully reminded us that the present annual reports filed by the Applicant do not set forth in sufficient detail the breakdown between Applicant's Colorado intrastate operations and other operations. Consequently, continued surveillance of Applicant's operations is not possible without obtaining additional information. It is for this reason that we have made our Findings in this regard and will set forth in the Order to follow the type of report that this Commission will require from the Applicant in the future.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant may file with this Commission new tariffs for its intrastate Colorado telephone service, which, when applied to the test year 1967 conditions, would produce additional gross revenue in the amount of $2,133,957, to become effective upon 30 days notice to the Commission.

2. Applicant may file with this Commission a tariff rider providing for an adjustment clause on intrastate Colorado telephone rates on its existing tariffs, such adjustment to provide for a charge of 3.07% of gross revenue in addition to all regularly filed rates. In the alternative, Applicant may file such new and separate tariffs providing for an adjustment clause, the application of which, under the conditions of the 1967 test year, would produce additional gross revenues to Applicant of $3,745,004. Under either method, such adjustment clause shall be filed to become effective upon not less than 5 days notice to the Commission, and shall remain effective only as long as the present 10% federal income tax surcharge remains in effect with respect to Applicant.

3. On or before March 31, 1969, and every year thereafter until further order of the Commission, the Applicant shall file with the Commission a financial and operating report for the calendar year next preceding the date of the report, attested to by an officer of Applicant, and containing at least the following information:

(a) A duplicate of the information in the same form as contained in the annual report to the Federal Communications Commission.

(b) Rate base data - Investments, consisting of the following:

Telephone plant in service - Account 100.1
Telephone plant under construction - Account 100.2
Property held for future use - Account 100.3
Telephone plant acquisition adjustment - Account 100.4
Materials and supplies - Account 122
Cash working capital
Depreciation reserve - Account 171
Amortization reserve - Account 172

in a form that will include total Company and State of Colorado Division, interstate and intrastate data, and other information as shown in Operating Results Summary, Applicant's Exhibit 100, page 1, in these proceedings.

(c) Plant Accounts 100.1, 100.2, 100.3 and 100.4, Materials and Supplies Account 122, cash working capital, Depreciation Reserve Account 171 and Amortization Reserve Account 172 Summaries that will include total State of Colorado Division, interstate and intrastate data and other information as contained in Worksheets A-1 and A-2 of Applicant's Exhibit 100 in these proceedings.

(d) An income statement that will include data for total Company and State of Colorado Division, interstate and intrastate, and other information as shown in Operating Results Summary, Applicant's Exhibit 100, page 2, in these proceedings.

(e) Operating revenues that will include data for total Company and State of Colorado Division, interstate and intrastate, and other information as shown in Operating Revenue Summary, Applicant's Exhibit 100, Worksheet B, in these proceedings.

(f) Operating expenses that will include data for the State of Colorado Division, interstate and intrastate, and other information as contained in the Operating Expense Summary, Worksheet C of Applicant's Exhibit 100 in these proceedings.

(g) Income tax computations for the total Company and State of Colorado Division, interstate and intrastate, with information as shown in Federal Income Tax reconciliation, Worksheet E of Applicant's Exhibit 100, in these proceedings.

(h) Other taxes for the total Company and State of Colorado Division, interstate and intrastate, with information as shown in Worksheets F, F1, F2 and F3 of Applicant's Exhibit 100, in these proceedings.

(i) A schedule of Taxes Accrued, Account 166, as of January 1 and December 31, for the total Company and State of Colorado Division, interstate and intrastate.

(j) Accumulated deferred investment tax credit for the total Company and State of Colorado Division, interstate and intrastate, with information as shown in PUC Staff Series 1, Request 38, page 3 supplement, Applicant's Exhibit 98 in these proceedings.

(k) An explanation of any changes in separations procedures adopted during the year and the results of any separations studies completed during the year and their effect on any of the foregoing calculations.

4. Any portion of the franchise or license taxes levied by a municipality upon the local service revenues of the Applicant in excess of three percent (3%) of such revenues shall be surcharged to the customers located within the boundaries of the municipality levying such tax unless otherwise ordered by this Commission.

5. The Commission retains such further jurisdiction in this matter as is proper and necessary.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN HENRY E. ZARLENGO DISSENTING.

Dated at Denver, Colorado,
this 7th day of January, 1969.

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CHAIRMAN HENRY E. ZARLENGO DISSENTING:

I respectfully dissent to the majority decision in the following respects and insofar as these points of dissent, if followed, would affect the Findings and Conclusions therein.

The majority decision authorizes an increase in revenues, in addition to the interim increase for income surtax, in the sum of $2,133,957. Under the law, the facts, and for the reasons hereinafter set out this increase in revenues is not warranted.

Under the law, the Commission cannot arbitrarily interfere with the utility's exercise of its managerial discretion -- neither can management arbitrarily exercise its managerial discretion. If this were not true, the rights of ownership of the Applicant would be nullified and, on the other hand, the regulatory powers of the Commission would be destroyed. There is no conflict in these principles and they can live side by side so long as sound judgment is exercised on the part of the utility and on the part of the Commission.

The law provides that "All charges made, demanded or received by any public utility,. . . for any service rendered or to be rendered, shall be just and reasonable. . ." (1963 CRS 115-3-1.) and further provides that "The power and authority is. . . vested in the public utilities commission of the state of Colorado, and it is. . . made its duty to adopt all necessary rates, charges and regulations to govern and regulate all rates, charges -- of every public utility. . ., and to generally supervise and regulate every public utility in this state and to do all things, whether specifically designated. . ., or in addition thereto, which are necessary or convenient in the exercise of such power. . ." (1963 CRS 115-3-2.).

Thus, it is clear that the Commission is not only given very broad powers but is additionally charged with the duty to exercise such powers in the adoption of rates which "shall be just and reasonable."

Emphasis must be made of the fact that the Commission is invested with not only the power, but is under the duty not to exercise its discretion in the adoption of rates in a capricious and arbitrary manner. See Consolidated Freightways Corp. et al v. PUC Colo., 158 Colo. 239, 406 P. 2d 83 (1965)

The increase in revenues authorized by the majority, as will clearly be shown, also authorizes increase in charges which will include revenues for payment of large expenses which not only can be, but should be avoided. Such charges, including as they do revenues for payment of expenses, in the stupendous magnitude here present, which can reasonably be, and should be, avoided are not "just and reasonable" and should not, nor can they be, legally authorized by the Commission.

LIBERALIZED DEPRECIATION

The Commission should order the Applicant to make use of the double declining balance method of depreciation available under the income tax laws to all property depreciable for income tax computation acquired by it after January 1, 1968. No consent is required to do this and it is available and usable "for the taking." Although available for past years since 1954, Applicant's management has not in the exercise of its managerial discretion seen fit to take advantage of it to the detriment of the ratepayer and the consequences have been disastrous. Applicant's own figures (Protestants' Exhibit A) show that for the year 1967 alone, had it used such method since 1954, there would have been a savings in income taxes in the sum of $3,241,202, and consequently a savings in the charges to the ratepayer in the sum of $6,746,886 when income taxes are taken into consideration. Based upon the assumption that $38,000,000 in depreciable property will be added each year in 1968 and 1969, and this is a very conservative figure in the light of the testimony; for the year 1968 a total savings in income taxes will amount to $456,380, and a total savings to the customer in charges will amount to $950,000; and for the year 1969 these savings will amount

$1,279,785 and to $2,664,000, respectively. These figures are given for purposes of illustration. This exercise of managerial discretion which it continued to make over the past years it contemplates to continue in future years. Lessons of the past should serve as a guide for the future. During the course of the hearing, even though it was apprised of this issue as the same was raised by the protestants, the Applicant presented no good and valid reason, nor any reasonable explanation, for its refusal to take advantage of this optional method of depreciation for the benefit of the ratepayer. The excuse is given that the taking of accelerated depreciation in the present will at some indefinite time in the future have to be made up. The ratepayers of today have a present right to this relief under the tax law. They are making very substantial payments for research and development of more efficient equipment and methods of operation which will undoubtedly inure to the great benefit of the ratepayers of the future. It is unfair and unjust to deprive them of the present tax benefits and relief made available to them by the law on the mere expectation, and so it is, that at some time in the indefinite future by so doing those benefited future ratepayers may have to pay some higher rates.

This Order to make use of the double declining balance method of depreciation should be limited as to the period of time it is used and should provide that at such time in the future when the amount of depreciation as calculated by the accelerated depreciation method on the depreciable property acquired in any past calendar year shall become less than the amount of depreciation as calculated by the straight line method, the method of depreciation applied for such property shall be changed to the straight line method which shall be thereafter applied for such property.

DEBT RATIO

The Commission should order the Applicant to trend its debt to equity ratio toward at least a 40% debt to 60% equity ratio. It

cannot be reasonably contended, nor is it contended by anyone in the record, that such a debt ratio would in any degree weaken the financial integrity of the Applicant or otherwise be detrimental. In fact a witness of the Applicant states that a 40% debt ratio is a proper objective. The current debt ratio, however, at the present time for intrastate operations is actually 29% debt (71% equity). Over the years, the Applicant's policy has been to maintain an unreasonably low debt ratio. This policy has been followed with total disregard for the best interests of the ratepayer and has resulted in the loss of countless millions of dollars to him. That this is obvious is apparent from a consideration of the difference in cost to the ratepayer for equity capital used over debt capital used. The Applicant expects a rate of return on equity of as much as 13%. In the majority decision, however, the Applicant is allowed 9.2%. The Applicant can reasonably and conservatively be expected to pay 6.5% on debt capital. (Kosh - page 20). It must be borne in mind that it is the ratepayer who pays for the cost of capital. Thus, capital will cost the ratepayer 2.7% more for equity capital than for debt capital. If new depreciable property acquired each year for the next 3 years is assumed to be in the sum of $38,000,000, a conservative figure supported by the evidence as contemplated, the cost to the ratepayer for equity capital, taking into consideration income taxes, will amount to $21,831,821, while the cost of debt capital will amount to $7,410,000, or a difference of $14,421,821 more. These figures have been calculated and presented to illustrate the magnitude of amounts of dollars involved. The carrying of this enormous and unnecessary burden will certainly harm the ratepayer and will in no manner benefit the Applicant itself. Should such policy continue to be used by the Applicant and tolerated by the Commission the losses to the ratepayer will continue to snowball as the years go by! In my judgment, to order, rather than to hope for, such a change of policy

is not an arbitrary or abusive exercise by the Commission of its power to regulate by interfering with managerial discretion but is rather, in the light of the statutory law, hereinabove set out, the duty of, and a mandate to, the Commission to interfere with and curtail an arbitrary and abusive exercise of managerial discretion.

INFLATION FACTOR

An inflation factor of 1% is found to be necessary by the majority. (See Decision pages 27 and 28).

> "Our discussion regarding attrition or erosion of earnings, however, refers only to a more 'normal' rate of inflation such as has taken place over the period of years since 1953. On the average, the Gross National Product deflator index during this period 1953-1967 has grown at a compound rate of 2.1% a year, while the increase since 1965 has been at a rate of 3.1% a year. It takes approximately a year to complete a major rate case such as the instant proceeding and put new rates into effect. On this basis, it is the finding of the Commission that, while inflation at an average rate of about 2.1% annually has not and will not result in a gradual attrition of Applicant's earnings, the recent abnormal price inflation at a rate of 1% higher than the fourteen year average necessitates an adjustment of revenue requirements in the magnitude of 1% to do no less than compensate for the unavoidable lag in putting new rates in effect.
>
> Nor is the abnormal inflation reflected solely in the so-called Gross National Product deflator index. Similar unusual increases are reflected in other indices, which lend sufficient credence to our conclusion. For instance, the Consumer Price Index in the period 1953 to 1967 changed by 27.6 points from 111.2 in 1953 to 138.8 in 1967; 7.7 points, or 28% of this increase occurred in the last 2 years (1965-1967). Similarly, the Wholesale Price Index increased from 97.7 in 1953 to 106.1 in 1967, an increase of 13.4 points in 14 years, while the increase from 1965 to 1967 was 3.6 points, or 27% of the total 14-year increase. It is common knowledge that the recent accelerated inflationary trend has not yet been reversed.
>
> Accordingly, we have found that a special adjustment is necessary under the particular circumstances at this time. This adjustment, which at this time should no more than counteract the necessary 'regulatory lag' of approximately one year before new rates can become effective, is necessary so that the relationships of rate base, revenues, and expenses for the 1967 test year, as adjusted herein, would continue for the foreseeable future, barring a recurrence or continuance of an inflationary trend of recent magnitude."

The effect of attrition which is defined in the record as "a wearing away of the rate of return" is sought to be avoided. But, there is no attrition. The actual facts and the actual experience of the Applicant itself refute the expectation that attrition will play any part.

The rate of return of the Applicant has been as set by the Commission in the last rate case at 6.69%. The actual rate of return of the Applicant for the past 11 years has been, as follows, to-wit:

Year	Rate of Return
1957	6.81%
1958	6.91%
1959	6.87%
1960	7.15%
1961	7.14%
1962	7.23%
1963	7.33%
1964	6.87%
1965	6.86%
1966	6.64%
1967	6.91%

During the 11 years, 1957 to 1967 inclusive, the rate of return has averaged 6.97%, or .28% over the rate of return of 6.69% set by the Commission. In dollar amount this means an average annual excess earnings over the authorized earnings in the estimated sum of $622,454. These figures conclusively show that in spite of the mentioned steady inflationary trend, "normal" or "abnormal," in the economy there actually was no attrition of the rate of return during these years, and to the contrary, with the exception of the year 1966 where an insignificant difference is present, the rate of return has been constantly higher and in many instances very substantially higher. It is stated "On the average, the Gross National Product deflator index during this period 1953-1967 has grown at a compound rate of 2.1% a year, while the increase since 1965 has been at the rate of 3.1% a year." Their conclusion must be that during the years of so-called "abnormal inflation" (whatever that really means) to-wit: 1965, 1966, 1967, attrition must have played its role.

But the facts are to the contrary. The rate of return for 1965 was 6.86% and the rate of return for 1966 was 6.64%. The decision itself is concerned with the test year 1967 and the rate of return for that very year is in excess of each of the consecutive preceding three years, to-wit: 6.91%. Undeniably inflation does have a bearing on the rate of return -- yet, nevertheless, due to other ever present factors which also have a bearing on the rate of return, such as more efficient operation, new technological advances, use of newer and more efficient equipment, acquisition of more customers, increase in the volume of business, etc., it is seen as a matter of fact that there was no "wearing away, or erosion, of the rate of return." This, then, appears to be a method of making use of additional revenues in the sum of $1,207,757 for the test year 1967, which is baseless in fact and without any justification, and therefore arbitrary.

With regard to Findings of Fact 18, there is insufficient competent evidence in the record to make a finding one way or another that the prices charged by Western Electric are fair and reasonable.

RATES OF RETURN FOR COMPANY AND STOCKHOLDER

With regard to a reasonable rate of return for the Company and a reasonable rate of return for the stockholders on their investment, we find the following evidence in the record. To clarify, "cost rate of equity" is the same as "rate of return on stockholders investment." Witness Kosh states (page 45 direct testimony) that 9% is a "reasonable cost rate of equity," which also means is a "reasonable rate of return on stockholders investment." He further states (page 54) that "The 9% allowance for common equity is substantially above the bare equity capitalization rate." These statements are logically supported by him. Further evidence of sufficiency of the 9% rate is given under cross examination.

If a 9% cost of equity, which is shown to be reasonable, and a 40% debt ratio is used, which is shown to be reasonable (it is the debt ratio used in the decision and is the debt ratio acceptable as the desired objective by the Applicant), is to be achieved the rate of return must be 7.33% as is shown by the following calculations, to-wit:

Equity Capital	60% x 9.00% =	5.40%
Debt Capital		
Present	29% x 4.59% =	1.33%
Additional	11% x 5.42% =	.60%
Rate of Return		7.33%

When the 7.33% rate of return is applied to the rate base of $307,724,804 a net operating income of $22,556,228 will be produced. While this operating income is $78,186 more than the net operating income actually realized by the Applicant in the test year, 1967, it is within reasonable bounds and therefore should not be made the basis for a reduction in revenues at this time. The rate of return of 7.33% and the 9% rate of return on stockholders investment are both fair to the Applicant and to the stockholders.

NECESSARY ORDER

The Commission should also enter an Order for the Applicant to show cause whether or not the method of accelerated depreciation should be applied in computing depreciation for income tax purposes on its depreciable property still subject to depreciation and acquired from 1954 to 1967; and, if a determination should be made that it should so do,

to show cause why it should not apply to the Internal Revenue Service for consent to change its method of depreciation to the accelerated depreciation method.

Chairman

Dated at Denver, Colorado,
this 7th day of January, 1969.

(Decision No. 72386)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS, PARTNERSHIPS, AND/OR PERSONS TO COMPLETE ACTIONS INSTITUTED BEFORE THE COMMISSION FOR AUTHORITY TO OPERATE AS COMMERCIAL CARRIERS BY MOTOR VEHICLE (NOT FOR HIRE) OVER THE PUBLIC HIGHWAYS OF THE STATE OF COLORADO.

January 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards or the required certificate of insurance -- all of which is required by law and the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed.

Advanced Mobile Homes Sales, Inc.	1919 S. Nevada, Colo. Springs, Colo. 80906
Associated Rubber Sales & Engineering	2190 South Lipan St., Denver, Colo. 80223
Homer Bennett, dba Bennett Irrigation	800 Allen, Clovis, New Mexico 88101
Donald Dean Bueltell	Route 2, Yuma, Colorado 80759
Opal I. Butchee	2222 E. 8th, Space #55, Pueblo, Colo. 81001
George Fields and Edward Earl Carter dba C and F Wood and Supply	General Delivery, Gypsum, Colorado 81637
C and W Trucking, Inc.	P. O. Box 367, Osborne, Kansas 67473
James D. Keenan dba Coca Cola Bottling Company	P.O. Box 1026 North Platte, Nebraska 69101
Comanche Milling Corp.	Pitkin, Colorado 81237
Harold D. Cox, dba Cortez Neon Signs	1430 East Main St., Cortez, Colo. 81321
Crestliner Division of Molded Fiber Glass Companies	609 13th Ave., N.E. Little Falls, Minnesota 56345
Clyde R. Dechert, dba Culligan Soft Water Service	310 West Arbecam Cortez, Colorado 81321
Cummings & Co. (The International Sign Co.)	P. O. Box 1237 Murfreesboro, Tennessee 37130
G. D. Howard and C. L. Dunavin dba D - H Salvage	5318 Amarillo Blvd. Amarillo, Texas 79107
George and Ima M. Dubois dba DuBois Building Supply	South Fork, Colorado 81154
A. C. Faulkenburg	Rt. 1, Box 500, Durango, Colo. 81301
Arthur J. Gottbehuet	320 Garfield St., Pueblo, Colo. 81005
Wayne Haggerty	Box 321, Craig, Colorado 81625
James Leroy Holmes dba Hillcrest Service and Salvage	1302 R. Street Penrose, Colorado 81240

Home Juice Company, Inc.	5150 60th St., Kenosha, Wisconsin 53140
Dave L. Johnson dba Johnson Enterprises	22 Alamosa Avenue Alamosa, Colorado 81101
Laura L. Johnston dba Johnston's Produce	8th & Main St., Yuma, Colo. 80759
K and O Contracting Corporation	Box 2, Idaho Springs, Colo. 80452
Kansas Oxygen, Inc.	P. O. Box 551, Hutchinson, Kansas 67501
Kast Kon Krete, Inc.	4002 N. Cascade, Colo. Springs, Colo. 80907
C. M. and Mary Lou Keller dba Keller's Wholesale Candy	Route 3, Box 30 Alamosa, Colorado 81101
Bruno B. Lucero	Route 1, Box 161, Manzanola, Colo. 81518
Frankie Pepe Martinez	Route 1, Box 209, Montrose, Colo. 81401
Donald L. McKinster	6590 Leetsdale Drive, Denver, Colo. 80222
Bartley Winters dba Mel-Ray Nursery and Landscaping	1605 South Street Canon City, Colorado 81212
Metalife Industries, Inc.	5110 York St., Denver, Colo. 80216
Mile High Cigar Co. Div. of General Cigar Co.	605 Third Avenue New York, New York 10016
Calvin Q. Morrison & Guy L. Weatherly dba Morrison and Weatherly Chemical Products	Box 1105, McGill, Nevada 89318
Robert Miller, Richard Barr and Clyde Skeen, dba Open Door Feed Mill	Route 1, Box 107 Delta, Colorado 81416
Leroy Otero	Star Route, Box 309, Los Lumas, N.Mex. 87031
Philip T. Otero	Star Route, Box 307, Los Lumas, N.Mex. 87031
Pollock Paper Div. of St. Regis Paper Co.	2236 South Cockrell St. Dallas, Texas 75215
Jack and Virginia A. I. Remington	2638 Waldean, Colo. Springs, Colo. 80909
Bill and Gene Rhodes dba Rhodes Brothers	Route 1, Crook, Colo. 80726
Ray Schafer dba Schafer Oil Co.	Box 670, Syracuse, Kansas 67878
C. P. Shuler, dba Shuler Implement Co.	Route 1, Box 95 Del Norte, Colorado 81132
Silver Clad Mines, Inc.	1575 Sherman St., Denver, Colo. 80203
South Mission Produce	P.O. Box 245, Sunland Park, New Mex. 88063
South West Mobile Homes, Inc.	4710 N. Nevada, Colo. Springs, Colo. 80907

Sweeney Supply Inc.	P.O. Box 604, 3100 N and S Highway Lewiston, Idaho 83501
Tripp-Way Corporation	P. O. Box 147, Ft. Morgan, Colo. 80701
Herman Top dba Twirl Town Toys	2355 W. 27th AVe., Denver, Colo. 80222
Dennis K. Vance	LaJara, Colorado 81140
Elgen Van Matre dba Van Matre Enterprises	855 22nd Road Grand Junction, Colorado 81501
Pablo Vargas	General Delivery, LaSalle, Colo. 80645
Elliott & McWilliams Co. dba Walker Truck Bodies, Inc.	540 Main St., Ft. Lupton, Colo. 80621
Raymond Weaver	Box 24, Hoehne, Colo. 81046
Lloyd G. Whitledge	538 S. Colorado, Haxtun, Colo. 80731
Homer L. Whorton	1628 W. 18th St., Pueblo, Colo. 81003
Lloyd K. Willson, dba Lloyd (Tiny) Willson Excavating	1556 S. Sherman Street Denver, Colorado 80210

This Order shall become effective ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.
ls

(Decision No. 72387)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
GILBERT D. BALL AND H. GERTRUDE BALL,) PERMIT NO. M-2059
DOING BUSINESS AS "BALL FLOWER SHOP,")
YUMA, COLORADO 80759)
)

January 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 29, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.
ls

(Decision No. 72388)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILLIAM D. INGLEFIELD, DOING BUSINESS)
AS "ECONOMY FURNITURE COMPANY,") PERMIT NO. M-11587
1530 LARIMER STREET)
DENVER, COLORADO 80202)
)

- -

- - - - - - - - - -
January 8, 1969
- - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 30, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.

ls

(Decision No. 72389)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LAWRENCE A. DRAKE)
126 BUZZARD ROOST)
MOUNTAIN HOME, ARKANSAS 72653)
)
-)

PERMIT NO. M-359

January 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 28, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.
ls

(Decision No. 72390)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MICHAEL H. SMOLE, FRANK J. SMOLE AND)
RUBY J. SMOLE, DOING BUSINESS AS) PERMIT NO. M-2090
"SMOLE LUMBER CO.", BOX 161,)
KREMMLING, COLORADO 80459)

January 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 23, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.

ls

(Decision No. 72391)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES D. KAUTZKY, DOING BUSINESS AS)
"HAPPINESS IS ..")
1354 SOUTH LAFAYETTE STREET) PERMIT NO. M-3239
DENVER, COLORADO 80210)

January 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 30, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.

ls

(Decision No. 72392)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
TRAVEL OIL COMPANY)
GRANBY, COLORADO 80446) PERMIT NO. M-13579
)
)
)

January 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 23, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.

ls

(Decision No. 72393)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT T. McGINN)
7631 OSAGE STREET)
DENVER, COLORADO 80221)
)

PERMIT NO. B-6889
SUPPLEMENTAL ORDER

January 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of December 27, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.

ls

(Decision No. 72394)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF GAS UTILITIES WITHIN THE STATE OF COLORADO.	)	CASE NO. 5321 SUPPLEMENTAL ORDER

January 8, 1969

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs., by Bryant O'Donnell, Esq., Denver, Colorado, for Public Service Company of Colorado and Western Slope Gas Company;
Elmer Jackson, Esq., Hastings, Nebraska, for Kansas-Nebraska Natural Gas Company;
John R. Barry, Esq., Denver, Colorado, for Southern Union Gas Company and Iowa Electric Light & Power Company;
Jack Hertz, Esq., Dallas, Texas, for Southern Union Gas Company;
W. A. Newton, Denver, Colorado, for Rocky Mountain Natural Gas Co., Inc.;
S. W. Jervis, Colorado Springs, Colorado, for Plateau Natural Gas Company;
Leonard R. Young, Colorado Springs, Colorado, for Department of Public Utilities of the City of Colorado Springs;
E. R. Sherwood, Esq., Colorado Springs, Colorado, for Colorado Interstate Gas Company;
Keith Brown, Esq., Denver, Colorado, for Gas Facilities, Inc.;
Robert Lee Kessler, Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

In the above-numbered Case by Decision No. 68570 of November 25, 1966, this Commission prescribed "Rules Regulating the Service of Gas Utilities", said Rules became effective January 1, 1967.

Rule 18 of said Rules prescribed certain construction requirements to be observed by the gas utilities under Commission jurisdiction. Rule 18(b)

reads as follows:

Construction Requirement:

(b) Unless otherwise specified by the Commission, the utility shall use the applicable provisions of the American Standard Code (Safety Code) for Pressure Piping entitled "Gas Transmission and Distribution Piping Systems - ASA B31.8-1963" as published by the American Society of Mechanical Engineers, as the minimum standard of accepted good engineering practice, as modified by "Exhibit C".

Exhibit "C" referred to in the above Rule contained amendments to the Code which, in effect, changed certain requirements from permissive to mandatory.

Since issuing its Order in the above case, the ASA B31.8-1963 Code has been updated. In addition, the Code designation has also been changed. The old designation of ASA, American Standard Association has now been reclassified as USAS, United States of America Standards. The current Code is designated as USAS B31.8-1968. The Commission now deems it advisable to adopt the B31.8-1968 Code. The Staff of this Commission, by letter of October 31, 1968, contacted all of the gas utilities operating in Colorado under this Commission's jurisdiction informing them of the proposed adoption of the USAS B31.8-1968 Code. Copies of the Code, together with suggested Staff amendments to said Code were sent to all the utilities requesting their comments on the adoption of the new Code and the amendments as proposed. The utilities were invited to submit comments in writing to the Commission not later than December 2, 1968. In the event no comments were received it would be assumed that there would be no objection to the adoption of USAS B31.8-1968 Code and the amendments as proposed.

No written comments were received by the Commission within the time limit specified objecting to the adoption of the Code and the amendments as proposed.

We believe that the 1968 Code with the amendments that we propose to adopt is an improvement over the 1963 Code and therefor we will, in our Order to follow, prescribe the USAS B31.8-1968 Code as amended by Exhibit "E" as the "Construction Requirement" prescribed under revised Rule 18(b).

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That it appears, from the records and files herein, that all interested parties were duly informed of the proposed amendment to Rule 18(b), and, there being no objection thereto, said Rule should be amended as proposed.

That Rule 18(b) of the "Rules Regulating the Service of Gas Utilities" should be amended to require that the utility shall use the applicable provisions of the United States of America Standard Code for Pressure Piping for "Gas Transmission and Distribution Piping Systems-USAS B31.8-1968" as a minimum standard of accepted good engineering practice which Code designated as Exhibit "D" is incorporated herein (except as modified by Exhibit "E") as fully as if the same were recited in words and figures, and should be adopted by the Commission.

That the United States of America Standard Code for Pressure Piping as set forth in Exhibit "D" should be modified as set forth in Exhibit "E", which is incorporated herein by reference and should be adopted by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Rule 18(b) of the "Rules Regulating the Service of Gas Utilities" should be amended to read as follows:

> Unless otherwise specified by the Commission, utilities shall use the applicable provisions of the United States of America Standard Code (Safety Code) for Pressure Piping entitled "Gas Transmission and Distribution Piping Systems-USAS B31.8-1968" as published by the American Society of Mechanical Engineers, as the minimum standard of accepted good engineering practice, as modified by Exhibit "E".

That the provisions of said Safety Code designated herein as Exhibit "D" shall be mandatory in accordance with the amendments set forth in Exhibit "E" made a part of this Order by reference.

That except as modified herein Decision No. 68570 shall remain in full force and effect.

That this Order shall become effective February 1, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.
ls

Amendments to USAS B31.8-1968 Code for
Gas Transmission and Distribution Piping Systems

EXHIBIT "E"
CASE NO. 5321

CHAPTER I

811.253 On line 3, change "may" to "shall."

811.262 On line 2, change "may" to "shall."

814 On lines 5 and 6, change "are cautioned to give attention to" so that the sentence shall read "Engineers shall investigate the low temperature properties of the materials used ..."

CHAPTER II

821.3 Delete the first sentence and in lieu thereof insert "Each utility shall establish and qualify a welding procedure for sound and ductile welds."

822.1 On line 5, change "recommended" to "required."

826.1 On line 6, change "may also be advisable" to "is required."

827.1 On lines 6 and 7, change "may also be advisable" to "is required."

828.1 On line 1, change "should" to "shall."

CHAPTER III

831.11(a) On line 2, change "may" to "shall."

831.21(k) Delete the last sentence, beginning "Good practice indicates ..." and in lieu thereof insert "The raised face of the steel flange shall be removed and bolting shall be of carbon-steel equivalent to ASTM A 307 Grade B."

831.41(h) On line 6, change "should" to "shall."

831.42(C) On line 4, change "should" to "shall."

831.42(D) On line 3, change "should" to "shall."

831.42(I) On line 1, change "may" to "shall."

CHAPTER IV

841.163	On line 10, change "should" to "shall."
841.222	On line 4, change "should" to "shall."
	On line 5, delete "either."
	On line 6, change "or" to "and."
841.261	On line 3, change "should" to "shall."
841.271	On line 2, change "should" to "shall."
841.282	On line 3, change "recommended" to "required."
841.284	On line 7, change "suggested" to "required."
841.285(a)	On line 8, change "should" to "shall."
841.285(b)	On line 6, change "should" to "shall."
841.285(c)	On line 3, change "may" to "shall."
842.14	On line 7, change "should" to "shall."
842.15(c)	On line 3, change "recommended" to "permitted."
842.215(c)	On line 3, change "recommended" to "permitted."
842.3	On line 7, change "may" to "shall."
842.393(b)	On line 3, delete "Sound" and "normally."
842.431(c)	On line 1, change "should" to "shall."
842.613	Delete entire sentence and in lieu thereof insert "Fittings in copper piping and exposed to the soil, such as service tees, pressure control fittings, etc., shall be made of bronze, copper or brass."
843.11	On line 2, change "should" to "shall."
843.42	On line 1, change "should" to "shall."
845.23(c)	On line 10, change "should" to "shall."
845.34(c)	On line 2, change "should" to "shall."

845.44(a)	On line 3, change "recommended" to "required."
845.44(c)	On line 2, change "should" to "shall."
845.53(c)	On line 12, change "recommended" to "permitted."
	On line 15, change "should" to "shall."
845.62	On line 5, change "should" to "shall."
846.12(a)	On line 6, change "should" to "shall."
847.2(c)	On line 2, change "should" to "shall."
849.14	Delete the first sentence and in lieu thereof insert "Services shall be connected to either the top or the side of the main."
849.613	Delete entire sentence and in lieu thereof insert "Fittings in copper piping and exposed to the soil, such as service line tees, pressure control fittings, etc., shall be made of bronze, copper or brass."
849.63(a)	On line 3, change "recommended" to "required."
649.63(c)	On line 1, change "recommended" to "permitted."

CHAPTER V

851.3	On line 4, change "should" to "shall."
	On line 9, change "should" to "shall."
852.22	Delete lines 8 and 9, and in lieu thereof insert "The inspection program shall include at least the following provisions:"
852.22(a)	On line 2, change "should" to "shall."
	On line 8, change "should" to "shall."
852.22(b)	On line 7, change "should" to "shall."
855.3	On line 2, change "should" to "shall."
	On line 8, change "should" to "shall."
858	On line 7, change "should" to "shall."

APPENDIX G

(5)	On line 2, change "should" to "shall."
(5) (a)	On lines 3 and 6, change "should" to "shall."
(5) (b)	On line 1, change "should" to "shall."
(6)	On line 4, change "should" to "shall."
(6) (a)	On lines 2 and 3, change "should" to "shall."
(7)	On line 2, change "should" to "shall."
(7) (a)	On lines 2 and 8, change "should" to "shall."

(Decision No. 72395)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAMS MOBILE HOMES, INC., P. O. BOX 897, 910 OLIVE STREET, LAMAR, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 23501-PP

January 8, 1969

BY THE COMMISSION:

By the above-styled application, Applicant seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of mobile homes and campers between points in Bent, Crowley, Kiowa, Otero and Prowers Counties, State of Colorado.

Said application is presently set for hearing at 10:00 A.M., on January 9, 1969, at Denver, Colorado.

The Commission is in receipt of a motion to dismiss said application filed by William J. Carney, Jr., Attorney for the Applicant.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the hearing on Application No. 23501-PP, presently set for 10:00 A.M., January 9, 1969, at Denver, Colorado, be, and the same hereby is vacated.

That Application No. 23501-PP be, and the same hereby is, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.

ls

(Decision No. 72396)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF FIRST REVISED SHEET NO. 5 AND FIRST REVISED SHEET NO. 6 OF THE EL PASO COUNTY MUTUAL TELEPHONE COMPANY TARIFF COLORADO PUC NO. 5 CONCERNING THE ABANDONMENT OF FOREIGN EXCHANGE TELEPHONE SERVICE.

INVESTIGATION AND SUSPENSION
DOCKET NO. 623

January 8, 1969

STATEMENT AND FINDINGS

BY THE COMMISSION:

On December 9, 1968, the El Paso County Mutual Telephone Company, by its President, Mayo Anderson, Rural Route 2, Colorado Springs, Colorado 80909, filed, with the Public Utilities Commission of the State of Colorado, a proposed change in its tariff, Colorado PUC No. 5. The change proposes to discontinue the furnishing of foreign exchange service between the El Paso Exchange of the El Paso County Mutual Telephone Company and the Colorado Springs Exchange of the Mountain States Telephone and Telegraph Company.

On December 30, 31, 1968 and January 2, 1969, the Commission received protests to the abandonment of the foreign exchange service. Complainants generally alleged hardship and loss of investment made by them to obtain telephone connection with the Colorado Springs Exchange of Mountain States Telephone and Telegraph Company.

In view of the above-mentioned complaints, the Commission should suspend the effective date of the proposed change in the tariff, conduct an investigation and, if necessary, hold a hearing on the matter.

O R D E R

THE COMMISSION ORDERS:

That the effective date of January 15, 1969 of First Revised Sheet No. 5 and First Revised Sheet No. 6 of the Colorado PUC No. 5 of the El Paso County Mutual Telephone Company be, and it hereby is, suspended for a period of 120 days or until May 15, 1969, unless otherwise ordered.

That a copy of this Order and a copy of the complaints filed in this matter by William H. Kingery, Frank E. Kirchgrader, N. C. Cargill and F. W. West be served forthwith on the El Paso County Mutual Telephone Company, Rural Route 2, Colorado Springs, Colorado 80909.

That a copy of this Order be filed with First Revised Sheet No. 5 and First Revised Sheet No. 6 of the tariff, Colorado PUC No. 5 of the El Paso County Mutual Telephone Company.

That an investigation of the proposed changes be made and, if indicated, a hearing held.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1969.
sl

(Decision No. 72397)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
VIRGIL J. EVERSON
P. O. BOX 106
SALTON CITY, CALIFORNIA 92274

PERMIT NO. B-4871

January 9, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 28, 1968 to and including June 28, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1969.

ls

(Decision No. 72398)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOE F. MAZZOTTI)
4059 QUIVAS STREET)
DENVER, COLORADO 80211)
) PERMIT NO. B-6091
)
)
- - - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
January 9, 1969
- - - - - - - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 3, 1968 to and including June 3, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1969
ls

(Decision No. 72399)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WEST TRANSIT MIX CONCRETE, INC.) PERMIT NO. B-6570
P. O. BOX 386)
ALAMOSA, COLORADO 81101)
)
)
- -

January 9, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 6, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1969.
ls

(Decision No. 72400)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: NATIONAL MOTOR FREIGHT CLASSIFICATION A-10, COLORADO PUC NO. 7, SUPPLEMENT NO. 11

CASE NO. 1585

January 13, 1969

STATEMENT OF FINDINGS OF FACT

BY THE COMMISSION:

On November 29, 1968, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N.W., Washington, D. C. 20036, filed Supplement No. 11 to its NMFC A-10, Colorado PUC No. 7, scheduled to become effective January 23, 1969. In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 11, which appear as Appendix "A" hereto. The changes as shown by Supplement No. 11 are set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 11, appear to represent just, fair and reasonable classes and rules, the Commission states and finds that an order should be entered prescribing the same, under the provisions of Rule 18-C (1) (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings, and Appendixes "A" and "B" herein, be, and they are hereby, made a part hereof.

2. That the classes and items (rules) as set forth in Supplement No. 11, amending NMFC A-10, Colorado PUC No. 7, shall be the prescribed classes and items (rules) of the Commission.

3. That all motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-10, Colorado PUC No. 7, as amended, shall comply with the changes provided herein on January 23, 1969.

4. That on and after January 23, 1969, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-10, Colorado PUC No. 7, as amended, shall cease and desist from publishing, demanding or applying classes and items (rules) which shall differ from the classes and items (rules) published in National Motor Freight Classification A-10, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) percent.

5. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

6. That the orders entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

7. That this order shall become effective forthwith.

8. That jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
13th day of January, 1969. av

TITLE PAGE TO APPENDIXES

National Motor Freight Traffic Association, Inc., Agent
NMFC, A-10, Colorado PUC No. 7
Supplement No. 11

Effective January 23, 1969

Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 11
amending NMFC A-10

CLASSES AND RULES

applying on:

Freight Traffic covered by tariffs governed by this classification as such tariffs may provide.

*****

Case No. 1585

Decision No. 72400

January 13, 1969

By transmittal letter dated November 28, 1968, from H. J. Sonnenberg, supporting the changes set forth in Appendix B, it is stated:

> "On pages 1 and 8 of Appendix A, which accompanied Supplement No. 9, the National Classification Board's reasons for publication of items 11650-A, 11652-A, 100150 and 100152, were stated. This was based on information furnished to the National Classification Board as a result of its public hearings on this subject (Docket 133, subject 16). Subsequent to that publication in supplement 9, other interested parties have now furnished additional information to the National Classification Board, which has caused the Board to reconsider its action which resulted in publication of items 11650-A, 11652-A, 100150 and 100152 in Supplement 9.
>
> "Supplement 11 is, therefore, being issued to re-establish the prior effective provisions."

Item No.	ARTICLES	CLASSES LTL	CLASSES TL	(MW)
11650-B cancels 11650-A and 11650	Air Hose or Air Duct, flexible, cloth with wire or metal spiral reinforcement, other than vacuum cleaner hose, in packages			
Sub 1	Collapsed or compressed, see Note, Item 11652	100	65	16.2
Sub 2	Other than collapsed or compressed	200	150	10.1
11652-B cancels 11652-A and 11652	Note--Will only apply when collapsed or compressed to not exceeding 50 percent of normal length			
100150-A cancels 100150	Hose or Duct, flexible. Cancel. See item 11650.			
100152-A cancels 100152	Note--Cancel. See item 11652.			

(Decision No. 72401)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE DONEGAN, 334 EAST MULBERRY STREET, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 4116 TO JOHN E. ELLEY, 417 JEFFERSON, FORT COLLINS, COLORADO.	))))))	APPLICATION NO. 23505-Transfer

January 10, 1969

Appearances: Don L. Nelson, Esq., Fort Collins, Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 22, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 4116.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein is the present owner and operator of PUC No. 4116, which is the subject of this proceeding.

2. This authority has been continually operated in the past and is presently in good standing with the Commission.

3. Transferee herein holds no previously granted authority from this Commission.

4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

5. The Certificate is free and clear of any debts, encumbrances or obligations.

6. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

7. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.

8. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 4116 to John E. Elley, and that henceforth the full and complete authority under said PUC No. 4116 shall read as follows, to-wit:

"Transportation of

Ashes, trash and rubbish

Within the City of Fort Collins, Colorado, and a radius of five mile thereof."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the

submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That George Donegan, Fort Collins, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 4116 to John E. Elley, Fort Collins, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 4116 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and rubbish

Within the City of Fort Collins, Colorado, and a radius of five miles thereof.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of January, 1969.
ls

(Decision No. 72402)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VIRGINIA A. I. OWENS, DOING BUSINESS AS "V. A. I. OWENS," 2638 WALDEAN, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-7203 TO JACK REMINGTON AND VIRGINIA A. I. REMINGTON, 2638 WALDEAN, COLORADO SPRINGS, COLORADO.	)	APPLICATION NO. 23447-PP-Transfer

January 13, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, authority is sought to transfer Permit No. B-7203 from Virginia A. I. Owens, doing business as "V. A. I. Owens," to Jack Remington and Virginia A. I. Remington.

Said application is presently set for hearing at 10:00 A.M., on January 21, 1969, at Colorado Springs, Colorado.

The Commission is in receipt of a communication from the said Applicants requesting dismissal of said application.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the hearing on Application No. 23447-PP-Transfer, presently set for 10:00 A.M., on January 21, 1969, at Colorado Springs, Colorado, be, and the same hereby is,vacated.

That Application No. 23447-PP-Transfer be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1969.
ls

(Decision No. 72403)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEE CLYDE JAMES, BOX 4, ROUTE 2,) APPLICATION NO. 23347-PP
DURANGO, COLORADO, FOR A CLASS "B") SUPPLEMENTAL ORDER
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 13, 1969

Appearances: Lee Clyde James, Durango, Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 23, 1968, the Commission entered Decision No. 72341 in the above-styled application, revoking operating rights granted to the above-styled Applicant by Decision No. 71987, dated October 9, 1968, for failure of said Applicant to comply with requirements set forth in said Decision No. 71987.

It now appears that Applicant has complied with all requirements of Decision No. 71987, and requests reinstatement of operating rights granted thereby.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 72341, dated December 23, 1968, be, and the same hereby is, vacated, set aside, and held for naught, as of said 23rd day of December, 1968, and that operating rights heretofore granted to the

above-styled Applicant by Decision No. 71987, dated October 9, 1968, be, and the same hereby are, restored to active status as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1969.
ls

(Decision No. 72404)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
VIRGINIA A. I. OWENS, DOING BUSINESS)
AS "V. A. I. OWENS," 2638 WALDEAN,) PERMIT NO. B-7203
COLORADO SPRINGS, COLORADO.)

January 13, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Ray Duitch, Attorney for the above-named permit-holder, requesting authority to change and correct her name from Owens to Remington in the conduct of operations under Permit No. B-7203.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Virginia A. I. Owens, doing business as "V.A.I. Owens," be, and hereby is authorized to change her name to Virginia A. I. Remington, doing business as "V. A. I. Remington," in the conduct of operations under Permit No. B-7203, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1969.
ls

(Decision No. 72405)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CLARIFICATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 2100, ROBERT E. BOYCE, DOING BUSINESS AS "BOYCE HOUSEMOVERS," 2138 EAST 4TH STREET, PUEBLO, COLORADO.

CASE NO. 5379

January 13, 1969

Appearances: Robert E. Boyce, Pueblo, Colorado, Respondent, pro se;
Lloyd C. Espinosa, Denver, Colorado, and
Dalton O. Ford, Denver, Colorado, of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Respondent, Robert E. Boyce, doing business as "Boyce Housemovers," is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 2100 which authorizes operations as a common carrier by motor vehicle for hire.

After investigation and research of Commission records, by the Staff of the Commission, with regard to the scope of operating authority as contained and set forth under Certificate of Public Convenience and Necessity PUC No. 2100, the Commission, by Decision No. 72005, dated October 11, 1968, ordered Respondent, Robert E. Boyce, doing business as "Boyce Housemovers," to show cause why the Commission should not enter an Order which would accurately set forth the correct operating authority of Certificate of Public Convenience and Necessity PUC No. 2100.

At the hearing, held on December 5, 1968, pursuant to proper notice, the Respondent stipulated and agreed with the Staff of the Commission that his operating authority, as presently described and set forth on the Commission's records, is not correct and that the same, as issued and as granted by the Commission, should be corrected in the exact manner as hereinafter shall be set forth in the Order part of this Decision.

Official notice was taken of Commission Decision Numbers 34289, 40202, 48721, 60859, 61937 and 63833 which, as pertinent to this proceeding, sets forth in chronological order and sequence the correct operating authority of Certificate of Public Convenience and Necessity PUC No. 2100 and which were used as the means of arriving at the order provisions as shall be hereinafter set forth.

After due and careful consideration of the entire record in this proceeding, the Commission is of the opinion and finds that the present records of the Commission do not correctly reflect the true and correct operating authority of Certificate of Public Convenience and Necessity PUC No. 2100; and that, in order to obviate and accomplish the same, the records of the Commission should be corrected as hereinafter provided for in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the present records of the Commission reflecting the operating authority of Respondent, Robert E. Boyce, doing business as "Boyce Housemovers," being Certificate of Public Convenience and Necessity PUC No. 2100 are not correct and that the same should be corrected as hereinafter provided.

That henceforth, in order to accomplish such correction, the full, complete and correct operating authority of Certificate of Public Convenience and Necessity PUC No. 2100 shall read and be as follows, to-wit:

> "Transportation of buildings commencing at a point six (6) miles west of the southwest corner of Jefferson County; thence east along the southern boundaries of the Counties of Jefferson, Douglas, Elbert, Washington, and Yuma, to the Colorado-Kansas State Line; thence south along said line to the Colorado-Oklahoma State Line; thence west along the Colorado-Oklahoma-New Mexico State Line to a point thirty-five (35) miles west of Interstate Highway No. 25; thence north along a line thirty-five (35) miles west of Interstate Highway No. 25 and parallel thereto to the point of beginning.
>
> RESTRICTION:
>
> Restricted against the transportation of box cars and tramway cars."

That the Secretary of the Commission, be, and hereby is, directed to change the records of the Commission to properly reflect the above and foregoing order provisions.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1969.

sl

(Decision No. 72406)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RICK'S HAULING SERVICE, FORT COLLINS, COLORADO, FOR AN EXTENSION OF OPERATIONS UNDER PUC NO. 3707.

APPLICATION NO. 23353-EXTENSION

January 10, 1969

STATEMENT OF FINDINGS OF FACT

Bestway Disposal Co. (Bestway), Greeley, Colorado, by its attorney, Leslie R. Kehl, filed a Petition to Intervene as its interest may appear in the above-captioned proceedings and caused copies of said Petition to be served by mail upon parties of record in these proceedings.

The Commission states and finds that applicant for intervention, Bestway Disposal Co., is a party who may or might be interested in or affected by an order which may be entered in these proceedings and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Petition to Intervene of Bestway Disposal Co., as its interest may appear, be, and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of January, 1969.

mp

(Decision No. 72407)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: FREIGHT, ALL KINDS, FROM THE TRANSPORTING CARRIERS OWN PUBLIC WAREHOUSE TO TERMINALS OR DOCKS OF OVER-THE-ROAD FOR-HIRE CARRIERS	INVESTIGATION AND SUSPENSION DOCKET NO. 615

January 10, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 21, 1968, the Commission entered Decision No. 71751, instituting proceedings in the above-entitled matter and, subsequently thereafter, set the same for hearing at 10:00 o'clock a.m., on January 14, 1969, at Denver, Colorado.

The Commission has received a request from Joseph F. Nigro, Attorney, that said matter be continued to some future date.

The Commission states and finds that the request for the above continuance is compatible with the public interest and should be granted as set forth in the Order following.

The Commission has also received a request from Joseph F. Nigro, Attorney, to incorporate the transcript of a previous case, being Investigation and Suspension Docket No. 607, into this proceeding.

The Commission states and finds that said request for the above incorporation is not in the public interest and is hereby denied, and that the matter herein should be heard de novo.

O R D E R

THE COMMISSION ORDERS:

That the hearing on the above-entitled matter presently set for 10:00 o'clock a.m. on January 14, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That said matter be, and hereby is, continued and reset for hearing at 10:00 o'clock a.m. on February 19, 1969, at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

That, twelve (12) days prior to the hearing date herein, the Respondents are hereby ordered to provide the Secretary of the Commission with copies of any and all exhibits which are intended to be introduced in support of their case.

That in the event said exhibits are not received within the time limit, as set forth above, the hearing date will be vacated; the instant matter will be dismissed; and the rates under suspension shall be cancelled.

That the hearing regarding Investigation and Suspension Docket No. 615 shall be heard de novo.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
10th day of January, 1969. av

(Decision No. 72408)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN AIRWAYS, INC., A COLORADO CORPORATION, 515 MAJESTIC BUILDING, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A SCHEDULED COMMON CARRIER BY AIRPLANE FOR THE TRANSPORTATION OF PERSONS AND PROPERTY ON SCHEDULE BETWEEN COLORADO SPRINGS, COLORADO AND DENVER, COLORADO AND LOVELAND, COLORADO AND FORT COLLINS, COLORADO.	APPLICATION NO. 23281
IN THE MATTER OF THE APPLICATION OF SUMMIT AIRWAYS, INC., A COLORADO CORPORATION, ROOM 2017, 1700 BROADWAY, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A SCHEDULED COMMON CARRIER BY AIRPLANE FOR THE TRANSPORTATION OF PERSONS AND PROPERTY ON SCHEDULE FROM, TO AND BETWEEN THE FOLLOWING POINTS IN THE STATE OF COLORADO: DENVER, FORT COLLINS-LOVELAND AND GREELEY.	APPLICATION NO. 23371

January 6, 1969

Appearances: Robert S. Wham, Esq., Denver, Colorado, for Applicant, Rocky Mountain Airways, Inc.;
Monte D. Pascoe, Esq., Denver, Colorado, for Applicant, Summit Airways, Inc.;
Bruce F. Ownbey, Esq., Denver, Colorado, for Trans Central Airlines, Inc.;
James C. Perrill, Esq., Denver, Colorado, for Metro Commuter Airlines, Inc.;
John R. Barry, Esq., Denver, Colorado, for Continental Trailways Bus System, Inc., Protestant;
Raymond M. Wilson, Denver, Colorado, of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 6, 1968, the Commission entered Decision No. 72267 dismissing without prejudice the above-entitled applications.

On December 26, 1968, a Motion for Clarification or, in the Alternative, for Rehearing was filed with the Commission by Summit Airways, Inc. through its attorneys, Ireland, Stapleton, Pryor & Holmes.

The Commission has carefully considered said Motion filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Motion should be denied.

O R D E R

THE COMMISSION ORDERS:

That Motion for Clarification or, in the Alternative, for Rehearing filed with the Commission by Summit Airways, Inc. be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of January , 1969.
ls

(Decision No. 72409)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF AVERY E. MAIN AND LORRAINE R. MAIN, DOING BUSINESS AS "QUEEN CITY ASH AND RUBBISH REMOVAL," 327 CHEROKEE STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3499 TO GERARD C. BERTSCH AND RUTH ANN BERTSCH, DOING BUSINESS AS "QUEEN CITY ASH AND RUBBISH REMOVAL," 855 KENDALL STREET, LAKEWOOD, COLORADO.

APPLICATION NO. 23335-Transfer

January 14, 1969

Appearances: Avery E. Main, Denver, Colorado, Transferor, pro se;
Gerard C. Bertsch, Lakewood, Colorado, Transferee, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 31, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 3499.

After due and proper notice to all interested persons, firms, or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are herby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferors herein are the present owners and operators of PUC No. 3499, which is the subject of this proceeding.

2. This authority has been continually operated in the past and is presently in good standing with the Commission.

3. Transferees herein hold no previously granted authority from this Commission.

4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

5. The authority is to be encumbered. However, there are no documents presently of record nor were the witnesses able to state the method by which the authority was to be encumbered.

6. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

7. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

8. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

1. That the Commission make and enter its Order approving the encumbrance upon the filing of the proper documents.

2. That the Commission make and enter its Order authorizing Transferors to transfer all of their right, title and interest in and to PUC No. 3499 to Gerard C. Bertsch and Ruth Ann Bertsch, doing business as "Queen City Ash and Rubbish Removal", and that henceforth the full and complete authority under said PUC No. 3499 shall read as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From all points within the City and County of Denver to regularly designated and approved dumps and disposal sites in the Counties of Adams, Arapahoe, Denver and Jefferson, State of Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Avery E. Main and Lorraine R. Main, doing business as "Queen City Ash and Rubbish Removal," Denver, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3499 to Gerard C. Bertsch and Ruth Ann Bertsch, doing business as "Queen City Ash and Rubbish Removal," Lakewood, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3499 shall read and be as follows, to-wit:

> Transportation of
>
> Ashes, trash and other refuse
>
> From all points within the City and County of Denver to regularly designated and approved dumps and disposal sites in the following Counties of the State of Colorado: Adams, Arapahoe, Denver and Jefferson.

That, upon the filing of the necessary written instruments as required by the Uniform Commercial Code of the State of Colorado, the Commission will make and enter its Order authorizing the mortgaging of Certificate of Public Convenience and Necessity PUC No. 3499 as made and entered into by and between the transferors and transferees herein.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1969.
ls

(Decision No. 72410)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JESS ARAGON, BOX 21, KERSEY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 23493-PP
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)
- -

January 13, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicant herein sought a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of natural fertilizer between all points within Weld, Morgan and Larimer Counties, State of Colorado.

Said application is presently set for hearing at 10:00 A.M., on January 20, 1969, at Denver, Colorado.

The Commission has now been advised by the Applicant that he no longer desires authority herein sought, and requests that said application be dismissed.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the hearing on Application No. 23493-PP presently set for 10:00 A.M., on January 20, 1969, at Denver, Colorado, be, and the same hereby is vacated.

That Application No. 23493-PP be, and the same hereby is, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1969.
gf

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(Decision No. 72411)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. KENNETH STRICKLER, BOX 1291,)
MONTROSE, COLORADO, FOR A CLASS "B") APPLICATION NO. 23382-PP
PERMIT TO OPERATE AS A PRIVATE) SUPPLEMENTAL ORDER
CARRIER BY MOTOR VEHICLE FOR HIRE.)
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January 14, 1969
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Appearances: W. Kenneth Strickler, Montrose, Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 22, 1968, the Commission entered Decision No. 72068 in the above-styled application, granting to Applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Said Applicant has failed to comply with the requirements set forth in said Decision No. 72068, viz., has failed to file or have filed certificate of insurance, public liability and property damage.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 72068, operating rights granted thereby should be revoked, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to W. Kenneth Strickler, Montrose, Colorado, by Decision No. 72068, dated October 22, 1968, be, and the same hereby are, revoked, for failure of Applicant to comply with requirements set forth in said Decision No. 72068.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1969.
gf

(Decision No. 72412)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PAT WHITCOMB, FOR AUTHORITY TO TRANSFER ALL OF THE OUTSTANDING CAPITAL STOCK IN AND TO LIND & HILL SCENIC COLORADO TOURS, INC.., DOING BUSINESS AS "A. A. TOURS," 8162 LA PLACE COURT, WESTMINSTER, COLORADO, RECORD OWNER OF PUC NO. 77 TO ANDY BRENDEN, 310 DENVER CLUB BUILDING, DENVER, COLORADO.	APPLICATION NO. 23337-Stock Transfer
IN THE MATTER OF THE APPLICATION OF PAT WHITCOMB, FOR AUTHORITY TO TRANSFER ALL OF THE OUTSTANDING CAPITAL STOCK IN AND TO LIND & HILL SCENIC COLORADO TOURS, INC., DOING BUSINESS AS "A. A. TOURS," 8162 LA PLACE COURT, WESTMINSTER, COLORADO, RECORD OWNER OF PUC NO. 191 TO ANDY BRENDEN, 310 DENVER CLUB BUILDING, DENVER, COLORADO.	APPLICATION NO. 23338-Stock Transfer
IN THE MATTER OF THE APPLICATION OF PAT WHITCOMB, FOR AUTHORITY TO TRANSFER ALL OF THE OUTSTANDING CAPITAL STOCK IN AND TO LIND & HILL SCENIC COLORADO TOURS, INC., DOING BUSINESS AS "A. A. TOURS," 8162 LA PLACE COURT, WESTMINSTER, COLORADO, RECORD OWNER OF PUC NO. 193 TO ANDY BRENDEN, 310 DENVER CLUB BUILDING, DENVER, COLORADO.	APPLICATION NO. 23339-Stock Transfer

January 14, 1969

Appearances: Victor F. Crepeau, Esq., Denver, Colorado, for Transferor and Transferee.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 8, 1968, the Commission entered Decision No. 72161 authorizing the transfer of the capital stock as above captioned.

The requirements which are a condition precedent to transfer of said capital stock upon our records were never complied with, and the records of the Commission show that said capital stock is the property of Pat Whitcomb.

The Commission states and finds that Decision No. 72161, dated November 8, 1968, entered by the Commission in Application No. 23337-Stock Transfer, Application No. 23338-Stock Transfer, and Application No. 23339-Stock Transfer, should be set aside as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 72161, dated November 8, 1968, authorizing Pat Whitcomb to transfer all of the outstanding capital stock in and to Lind & Hill Scenic Colorado Tours, Inc., doing business as "A. A. Tours," record owner of PUC No. 77, PUC No. 191 and PUC No. 193, to Andy Brenden, be, and the same hereby is, vacated, set aside and held for naught.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1969.
gf

(Decision No. 72413)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WATSON-WILSON TRANSPORTATION SYSTEM,)
INC., P. O. BOX 8729, 92ND AT STATE)
LINE, KANSAS CITY, MISSOURI, FOR) PUC NO.1008-I-Transfer
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO YELLOW FREIGHT)
SYSTEM, INC., P. O. BOX 8462, 92ND)
AT STATE LINE, KANSAS CITY, MISSOURI.)

January 14, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Watson-Wilson Transportation System, Inc., Kansas City, Missouri, was granted a certificate of public convenience and necessity, being PUC No. 1008-I, authorizing operation as a common carrier by motor vehicle for hire:

> Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer said PUC No. 1008-I to Yellow Freight System, Inc., Kansas City, Missouri.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Watson-Wilson Transportation System, Inc., Kansas City, Missouri, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 1008-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Yellow Freight System, Inc.,

Kansas City, Missouri, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 14th day of January, 1969.
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(Decision No. 72414)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE R. WINCHELL, 1018 NORTH PERSHING,)
LIBERAL, KANSAS, FOR AUTHORITY TO TRANS-)
FER INTERSTATE OPERATING RIGHTS TO GEORGE) PUC NO. 2436-I-Transfer
R. WINCHELL, INC., A KANSAS CORPORATION,)
1018 NORTH PERSHING, LIBERAL, KANSAS.)

January 14, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore George R. Winchell, Liberal, Kansas, was granted a certificate of public convenience and necessity, being PUC No. 2436-I, authorizing operation as a common carrier by motor vehicle for hire:

> Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer said PUC No. 2436-I to George R. Winchell, Inc., a Kansas Corporation, Liberal, Kansas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That George R. Winchell, Liberal, Kansas, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 2436-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference-- to George R. Winchell, Inc., a Kansas corporation, Liberal, Kansas, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1969.

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